

LETTERS

*(July 4, 1804)*

*(July 4, 1825)*

OF

GEN'L JOHN COCHRANE,

PRESIDENT

OF THE

CINCINNATI SOCIETY

OF THE STATE OF NEW YORK,

TO

THE NEW YORK CINCINNATI.



REVISED, CORRECTED AND ENLARGED.



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## PREFACE.

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Discrepancies between the results of early researches and those of late investigation, together with corroborative proofs of anterior positions, were the occasion of *Addenda* to the Letters previously addressed to the Cincinnati of New York. The redress of those errors and the incorporation of the *Addenda* at their appropriate places, is the purpose of this revision.

To cursory as well as to official confusion of the terms "The General Society" and "The General Meeting," is traceable the source of an error of first magnitude in the construction of the "Institution" on which the Society rests. They are essentially two different bodies—the one, that of the one Society of the Cincinnati in its primary capacity of distinct State Organizations, sovereign and independent, with limited joint functions—the other, a representative body delegated by the General Society to represent it at intermittent periods, with joint powers definitively prescribed and functions limited to advice. (Note \*.)

Instead of the right accorded to the State Societies, to judge of the qualifications required by the "Institution," of those proposed for membership, the substitution by most of them of qualifications of their own device, is a challenge of defiance to the vital principle of the Society, and a license of judgment at once hostile to the "Institution," and destructive of the distinction between the Cincinnati of the Revolution, and the novel organizations of recent extraction from it. (Note §.)

The power to expel a member of the Society, conferred on the Societies of the States, is doubtless limited to those residing within their respective local jurisdictions. (Note †.)

It is a generally prevalent, though a natural error, to suppose that the primogenitive right of membership

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Note \*. See pages 48-70-80; note \* page 81.

Note §. See page 52 and its note \*.

Note †. See pages 26-27-52 and its note 4.

in the Society, is offensive to the principles of democracy. The domain of neither entrenches on the other. It were unreasonable to stigmatize a Society instituted "to perpetuate the mutual friendships" of its Founders with antagonism to a polity of State; and the appointment by the ancestral Cincinnati of their eldest male posterity, hereditary tributaries to their memory and depositaries in succession of their right, was no less their prerogative, than if they had selected for the pious office, those only of them rejoicing in cane colored beards, or rufescent in heads of red hair.

Departure from the directions of the "Institution" forfeits the difference which discriminates between the Society of the Cincinnati and the Sons of the Revolution—this, the *self appointed factor of remembrance*—that, its *testamentary executor*, constituted by the *Officers of the Army of the Revolution, its repository forever*.

The significance of the power of dissent in any one State Society, consisting of its right to veto any proposed change in the principles, maxims or general rules of the "Institution," is apt either to be overlooked or misunderstood. In the compact between the thirteen States under the Articles of Confederation, each State was invested with a similar power. Though neither in the Articles of Confederation, nor in the "Institution" of the Cincinnati, is the power expressed, yet the universal law governs both, that the terms of a compact cannot be varied, any one of the parties to it dissenting. Thus the repeated dissent of single States, from a change in the terms of the Articles, caused its defeat: and the recognition by the Founders that, as the unanimous assent of the thirteen States under the Articles of Confederation on which the "Institution" of the Cincinnati was modeled, was required to alter them, so also a unanimous assent of the thirteen State Societies was required to effect a change in the "Institution," is their registered admission that the veto power of each State Society is its *inalienable and irreversible right* under the "Institution," signed in mutual compact by them all. (Note \*.)

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Note \*. See note §, page 48.

That a Society of the Cincinnati ever existed in France—that the appointment of honorary members by the General Meeting is authorized; and that the State Societies are its financial servitors, are myths irrevocably consigned to the Limbo of exploded errors. (Note \*.)

The supposition is groundless that attributes to the General Meeting the power of reviving a State Society. The State Societies never die. Their life is perpetual; coordinate and concurrent with genealogical lines: the life of the General Meeting is vicarious and intermittent; delegated and dependent on the will of the State Societies. In the State Societies alone exists paramount, the Society of the Cincinnati. Of inherent vitality, they are self-existent. Through them, the perennial life of the General Society reaches in indefeasible entail, the remotest degree of hereditary succession. The General Meeting is the product of their breath. Their life-giving power to *it*, stifles its assumption to resurrect *them*. If excluded from its deliberations, still their separate negative would frustrate any change in the "Institution," it attempts; and though by the withdrawal of their triennial breath, its temporary suspension as heretofore, or its final extinction would ensue, yet in the State Societies, would the Society of the Cincinnati live on forever. (Note §.)

With this prefatory explanation, these Letters are again offered for perusal, not in the spirit of polemical controversy, but as the means of instruction, where instruction is needed.

The vicissitudes of the Society have been many. Established by the Officers of the Army of the Revolution to perpetuate the remembrance of its friendly associations, and of the Government it achieved, they appointed their eldest male posterity, the depositaries of their memory. Though an institution commemorative of the past, it was assailed by the clamor of popular prejudice as a menace to the future; and unless sustained by its members in the State Societies, it had been extinguished by its General Meeting. The Soci-

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Note \*. Pages 7-58, note 5 pages 52-53. pages 86-87-88.

Note §. See note 8, page 53.

eties however in most of the thirteen States, bent to the storm. In the rest they maintained a precarious existence. In none did they perish; but in all awaited within their respective spheres, the opportunity of revival. To their survivors, other fortunes befell. They sought for their segmentary life, the muster of numbers; and, forsaking the Society instituted by the Founders in 1783, for a Society instituted by their kinsmen in 1856, divided the testamentary duties of the eldest male issue of the Fathers, with an auxiliary influx of their miscellaneous posterity, and became a Society of the Cincinnati under "the rule of '54." (Note §.) Two of them,—of New York and Pennsylvania,—are loyal to the "Institution" that ordained them Societies; but the remainder, unmindful of the lesson involved in the Sibylline enigma of increased value in decreased bulk, not only have imported members of features in common with many of those of the modern organizations of Revolutionary derivation, but have abandoned to the private agreement of individuals the sacred duty enjoined unalienably upon them, of judging of the qualifications of applicants for membership. Numerical aggrandizement has never been considered compensation for legitimacy, nor a traffick in birth-rights the antidote of decay: but the degeneracy unhappily predicable of both, will not fail to be confirmed, when the Cincinnati shall have become the shadow of a name.—J. C.

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Note §. See page 57 and its note \*; page 84.



## LETTER,

July 4, 1894

TO THE CINCINNATI OF NEW YORK :

*Brethern :*

A cursory examination of the Institution of the Society had produced an impression that its intention was to recognize as full members certain high officials of France and the officers named of her Army and Navy. That impression contributed to a concurrence with the General Meeting of 1887, in its recognition of a Society in France, with plenary power. A subsequent and careful examination of the question, having resulted in a change of opinion, I am induced by the importance of the subject, to submit my reasons to the Cincinnati of New York.

### I. NO SOCIETY OF THE CINCINNATI IN FRANCE

*Intention of the Founders.*

When the officers of the American Army, from the Cantonment of the Army on Hudson's River, on the 13th of May, 1783, announced to the world that "to perpetuate as well the remembrance of the separation under the direction of the Supreme Governor of the Universe of the Colonies of North America from the dominion of Great Britain, after a bloody conflict of eight years, and their establishment as free and independent States, as well as the mutual friendships which have been formed under the pressure of common danger, and in many instances cemented by the blood of the parties" they did "in the most solemn manner associate, constitute and combine themselves into one SOCIETY OF FRIENDS to endure as long as they shall endure, or any of their eldest male posterity, and in failure thereof, the collateral branches;" they coincidentally invoked as the tutelar spirit of the principles of their Society, its endurance forever in the continuity through time, of a procession of the right heirs male of their bodies.

Subsequently they declared that the "*Society*" they had founded, "deeply impressed with a sense of the "generous assistance this country has received from "France, and desirous of perpetuating the friendships "which have been formed and so happily subsisted "between the allied forces in the prosecution of the "war," directs "that the President-General transmit as "soon as may be to each" of certain French high officials and to certain of the officers of the French Navy, and to his Excellency the Count de Rochambeau and the Generals and Colonels of his army "a medal containing the Order of the Society," and "acquaint "them that the Society do themselves the honor to "consider them as members."

It cannot fail of observation that the language of the "Institution" discriminates between the "mutual friendships" of the American officers "formed under the "pressure of common danger" and the "friendships" formed between them and the French officers in "the "prosecution of the war;" and that a separate recognition is bestowed on each. To the first, as that of primary regard, they promise a perennial durability, when appointing to their posterity an inheritance of endless duration; while to the second they present but a life-long possession—a distinction significant of the difference between members in whose lineage exclusively the Society subsists, and members to whose names is accorded simply the honor of a place on its Rolls—the difference in fine, between a structural membership prolific of succession, and a titular membership of barren growth.

The intent of the American officers may be fairly extracted from the words with which they direct the President-General to "acquaint" the French Gentlemen "that the Society do themselves the honor to *consider* them as members." To consider, strictly is but a process of deliberative thought, without executive force, and destitute of the power of appointment. Honorary Membership invariably has been understood as an

honor reflected on the recipient: but here, the American officers, with a delicate courtesy of high military grade, refer to *themselves* the distinction of their consideration of the high officials of France, and of the Generals and Colonels of the Army of his Excellency the Count de Rochambeau.

The medal proposed in the draft by General Knox of the Original Institution to be transmitted to Count de Rochambeau, was avowedly the expression of an assurance to the French Officers, of "the perpetual rule of the Society" to entitle them "to all the civilities and friendships of the Society:" and when these words were on revisal, more euphoniously paraphrased, "desirous of perpetuating the friendships which have been formed, and so happily subsisted between the officers of the allied forces," the motive of the Society was as truly declared; and the extension of its benefaction from the Count de Rochambeau, to the civil and military representatives of France, and to the Generals and Colonels of the Count de Rochambeau's army, was but the expansion of a gratitude which culminated in doing "themselves the honor to *consider* them as "members." Hence, they became members of the Cincinnati Society, not as officers of the American Army, in whose virility the Society had been conceived, but as officers of the Army of France, endowed in token of "civilities and friendships," with a membership sterile and impotent of American heirs, in succession of American Officers, to whom alone the future of the Society was appointed.

But inference though irresistible, and conjecture inevitable, must be for the present abandoned for recourse to the explicit evidence of the honorary membership of the French gentlemen, furnished by the Founders, embodied by themselves and recorded in the Institution itself. The Society of the Cincinnati, whose members were to be "the officers of the *American Army*," was devised by General Knox at West Point, April 15, 1783. The "Proposals" for its

establishment having first been submitted to the regiments of the respective State lines, and "an officer " from each " having been "appointed who, in conjunction with the General Officers, should take the " same into consideration," were debated under the direction of their President and senior officer General the Baron von Steuben, at three separate meetings; at the last of which on the 19th of June, 1783, its present organization was completed. The " Proposals " having been amended and submitted at the first of these meetings on the 10th of May, 1783, to a committee of revision, at the second of them, on the 13th of that month, were adopted as the " Institution " of the Society. The President, General Steuben, having applied by letter of May 20th to Major L'Enfant, an accomplished draughtsman and artist, then at Philadelphia, and an original member of the Cincinnati Society, (a) for a design of the medal inscribed with the emblems, by which the Institution prescribed the " members should be known and distinguished," and having received an answer of the 10th of June, unfavorable to the order in the form of a medal, and enclosing two preferable designs, reconvened the constituent body, the record of which shows these entries.

"Cantonment of the American Army 19th June, 1783." At a meeting of the General Officers and the gentlemen delegated by the respective regiments, as a Convention for establishing the Society of the Cincinnati held by request of the President, at which were present (here follow their names).

The President having communicated the "acceptance" by the Chevelier de la Luzerne "of the vote "respecting his Excellency" and others, a resolution was adopted expressive of a sense "of the honor done "to the Society by his becoming a member thereof."

The President having then submitted the letter received from Major L'Enfant, together with the designs enclosed, (b) the letter was read from which the following relevant extracts are made—

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(a) Appendix A, page 29.

(b) Appendix B, page 29.

“ I send you two essays which I have made, and I  
 “ desire one of them may be adopted instead of the  
 “ medal. In one I make the eagle supporting a star  
 “ with thirteen points, in the centre of which is the  
 “ figure of the medal with its inscriptions, as well in  
 “ front as on the reverse. A legend might be added in  
 “ the claws, and go round the neck of the eagle with a  
 “ particular inscription, or the contour of the medal  
 “ transferred there. In the other, I have simply the  
 “ eagle supporting on its breast the figure of the medal,  
 “ with a legend in his claws and about the neck, which  
 “ passes behind and sustains the reverse. I prefer the  
 “ latter, as it does not resemble any other order, and  
 “ bears a distinct character, nor will it be expensive in  
 “ the execution ” \* \* \*

\* \* \* “ So far from proposing to change the  
 “ oval medal into an eagle on which shall be impressed  
 “ the medal, I do not pretend to say medals cannot be  
 “ made. *On the contrary, my idea is that silver medals*  
 “ *should be struck at the common expense of the Society,*  
 “ *and distributed one to each member, as an appendage to*  
 “ *a diploma of parchment, whereon it would be proper to*  
 “ *stamp the figure of the medal, the eagle or star in its*  
 “ *full dimensions and properly coloured, enjoining the*  
 “ *members to conform to it, though leaving them at liberty,*  
 “ *provided it be at their own expense, of having it made*  
 “ *of such metal, and as small as they please, without*  
 “ *altering any of the emblems. It seems to me by no*  
 “ *means proper that the HONORARY MEMBERS should*  
 “ *wear the order in the same manner as THE ORIGINAL*  
 “ *MEMBERS; it would be necessary that they should wear*  
 “ *the medal, the star, or the eagle, round their necks, and*  
 “ *the original members, at the third button hole.*”

“ N. B. *The head and tail of the eagle should be*  
 “ *silver, or enamelled in white, the body and wings gold,*  
 “ *the medal on its breast and back enamelled in the same*  
 “ *colour as the legend; sprigs of laurel and oak might be*  
 “ *added in the wings enamelled in green; the star should*  
 “ *be pointed in gold or enamelled in blue or white;*

“those who would be at the expense might instead of white, have diamonds. The riband, as is customary in all orders, should be watered.”

“A medal, whether round or oval, is considered, *in the different states of Europe*, only as a reward of the laborer and the artist, or as a sign of a manufacturing community, or religious society; besides, the abusive custom prevailing, particularly in Germany and Italy, *of sending to France* mountebanks, dancers and musicians, ornamented in this manner, renders it necessary to distinguish this order by a form which shall be peculiar to itself, &c.

\* \* \* \* \* “A gentleman already invested with *any European order* would be unwilling to carry a medal, but if, flattered by receiving a mark of distinction from a respectable society, he should do it, the manner of it would by no means increase the value of the order. On the contrary, giving it a new and particular form, will be adding a recommendation to its real value, and *engage those invested with it* to wear it in the same manner as *their other military orders*, which is the surest means of putting it at once on a footing with them.”

The record proceeds: “*Resolved. That the bald eagle carrying the emblems on its breast, be established as the order of the Society, and that the ideas of Major L’ENFANT respecting it, and the manner of its being worn by the members, be adopted.* That the order be of the same size, and in every respect conformable to the said design, which for that purpose is certified by the Baron de Steuben, President of this convention, and to be deposited in the archives of the Society as the original from which all copies are to be made. *Also that silver medals, not exceeding the size of a Spanish milled dollar, with the emblems as designed by Major L’ENFANT, and certified by the President, be given to each and every member of the Society,\* together with the diploma on parchment, whereon shall be impressed the exact*

\* The medal containing the order of the Society, given to every member, and referred to as having been received by the French gentlemen, in the letter of Gen’l Washington to the Count d’Estaing May 17th, 1783. See note b post page 24 and Minutes General Meeting 1887, page 19.

"figures of the order and medal as above mentioned; any thing in the original institution respecting gold medals, to the contrary notwithstanding."

After thanks returned to Major L'Enfant, with a request that he continue his assistance, and a minute of routine business, the record of the Convention closes with these words:—"The principal objects of its appointment, being thus accomplished, the members of this Convention think fit to dissolve the same, and it is hereby dissolved accordingly." (a) +

Here, both by language and act indelibly impressed by the Founders themselves upon the "Institution," is the infallible record of the indisputable distinction ordained between the Officers of the American Army as constituent members of the Cincinnati Society and the Officers of the French Army as its honorary members. This is not all. Having distinguished between them, and dictated to each, as an outward sign of their difference, a different mode of their wearing the Insignia, they directed that a silver medal containing the order of the Society, minutely described, with a Diploma on parchment, should be given indiscriminately to all.\*

The possibility that the Founders by "members" referred to a membership of the Society without existence at the time, or that Major L'Enfant, in distinguishing their different grades, referred to a membership of the Society without existence when he wrote, is opposed to the recorded event of its birth.

An association of persons being its essential prerequisite, the law they appoint defines the Society; and the American Officers who, on the 13th of May, 1783,

(a) Appendix C, page 33.

+ The word "members," where used by the Convention, in the Institution, in the correspondence of the Society, or elsewhere, was applied indiscriminately to both or either of its varieties.

\* See letter of Col. Aaron Ogden, President-General of the General Society, and an eminent jurist replying May 22, 1837 (after the recorded rejection of the Amended Institution), to an inquiry by the New York Society, whether a person was admissible as a member of the Society, who applied in the right of his father, who had served with the Duke de Luzerne, in which he says:—"Besides, there is no provision that the right of membership should descend to the posterity of the persons designated in the enclosed provision"—(an extract from the Original Institution, naming with others the Chevalier de Luzerne and certain French Officers of the Count de Rochambeau's Army, to whom the medal was to be sent, and who were considered as members) "and the adoption of such a rule now, might place the Society in great future difficulties; but if otherwise, this right can only be proved by the production of the medal, which was doubtless sent to every officer in the French Army who was entitled to it, or accounting for its loss." See Appendix E, page 40.

adopted at the Cantonment of the Army on Hudson's River the Institution of the Cincinnati, assumed the prerogatives of members of the Society they created. As "the Society," they did "themselves the honor to consider as members" certain of the representatives and officers of the Army and Navy of France; they prescribed to the respective State lines the requisites of membership, and provided that a copy of the "a fore-going Institution" should "be given to the senior officer of each," and that "the proceedings thereon" be transmitted "to the commanding officer of the Southern Army, and the senior officers in each State from Pennsylvania to Georgia, inclusive, and to the commanding officer of the Rhode Island line"; and they solicited by committee his Excellency the Commander-in-Chief, "to honor the Society by placing "his name at the head of a copy of the Institution." Having previously *considered* absolute the membership of the representatives and officers of the Army and Navy of France, that the signatures of the American Officers in assertion of their own, were inscribed on the charter of the Society they had framed, the contemporary list headed with the name of General Washington attests. On the 19th of the following June, at the call of the President, they reassembled as "a Convention for establishing the "Society of the Cincinnati"; and having in that capacity substituted another, for one of the chief features of the Institution, and added others thereto, as members they clothed his Excellency the Commander-in-Chief with the authority of President-General, and by the election of a Treasurer-General and a Secretary-General, completed the temporary organization of the Society.

Thus were the vital functions of an organized Society employed by its members on the 13th of May and the 19th of June, 1783, in the creation of committees, in the nomination of members, in measures of extension through the establishment of State Societies, and in the appointment and election of a full official staff.



Nor is there this evidence only that membership in the Cincinnati was coincident with the adoption of its Institution. The Societies of some of the States were instituted at the Cantonment of the Army. Of these, the Society of New York had its inception in the signatures of the officers of the New York line to the Institution, on the days contemporary with its adoption. Its first meeting was held on the 9th of June following, and consisted, as the record shows, of the officers of the 1st and 2nd New York Regiments of Infantry, who having previously signed the institution, were members of the Cincinnati Society.

The letter itself bears no uncertain sense.\* When defining the disadvantages of the medal as an order, in the estimate of "*the different States of Europe*"; its dislike by "*a gentleman already invested with any European order*"; and the congruity of its opposite with "*other military orders*" of Europe, it establishes Europeans the arbiters of selection. The French gentlemen were the only Europeans then admitted, or by the Institution admissible as members of the Society; and the reasons for adopting a different order therefore, being pertinent to them alone, designate them as the members of the Society between whom and the American Officers, the distinction was drawn.

Plainly, then, when Major L'Enfant, in his letter of June 10th, 1783, distinguished between the "*Original*" and the "*Honorary*" members of the Society, its actual members consisted of both classes. Nor can it be doubted that he, an original member cognizant of their existence, referred to the realities of an adult present, and not to the possibilities of an embryonic future.

The reference in the resolution of the constituent Convention of June 19th, 1783, to "the members" of the Society, obviously includes those "*considered*" "as members" on the 13th of the previous month, and its designation of the different modes in which the order should be worn, not only recognizes Major

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\* See extract from letter, page 12.

L'Enfant's discrimination between the original and honorary members of the Society at the date of his letter, but applies it unmistakably to them. That this action was predicable of the members of which the Society then consisted, is supported by the authority of the American Cyclopædia (vol. iv, p. 596), which represents its Founders to have organized the Society concurrently with the adoption of its Institution; and states that "the honors of *life membership* were conferred upon a number of French Officers"; it is supported by the authority of Col. Aaron Ogden, an Original Member, who as a delegate to the first General Meeting in 1784, to repair the omission in the Original Institution, proposed to establish by the Amended Institution, a Meeting in France, when as President-General of the Society, he in 1837 substantially decided that its members at the inception of the Society, were composed of its Founders and of the gentlemen of France, whom they created members for life;\* it is supported by the authority of the General Meeting, which affirmed in effect the French Officers to have been *for their own lives only*, members contemporary with the Institution of 1783, when adopting the report of the Secretary-General that the members of the Society consisted, under the original Institution, *exclusively* of the officers of the American Army, and of those of them who were foreigners, with their eldest male posterity of lineal descent and in the collateral branches judged worthy, and of honorary members for their own lives only; and which pronounced the final extinction of these very French Officers by its refusal to enumerate either them or their descendants among the members of the Society in 1848;† it is not only supported, but maintained by the authority of the Marquis de la Fayette, the illustrious Chief of the Original Members of the Cincinnati in France, who recognized the Founders of the Society as members at its formation, and distinguished between them and their coevals, the French life members, when in 1825 he applied to

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\* See Appendix E, page 40.

† See Appendix F, page 42.

the Society in New York for the admission of a French officer, the Baron D'Aurier, who had served during the War of the Revolution in the French Army under the command of the Count de Rochambeau, *as an honorary member*.<sup>‡</sup>

The spirit which animates the Society of the Cincinnati is purely American. Its "Institution" is a perennial plant indigenous to American soil, vigorous and fruitful in its native bed, but languid and lifeless in an alien clime. The objection of the American officers to the "Amended Institution," lay not in its direction to the officers of France of a membership for life which previously had been theirs, but in its restriction to their own lives only, of a memorial they designed in the Society they had founded, should endure in the lives of their posterity forever.

The purpose of the constituent meeting of 1783, is obvious in the contrast of its omission either to create or provide for an organization of the French Officers, or for their incorporation in the General Society, with the authority with which they were expressly empowered by the "Amended Institution" of 1784, to erect a separate Meeting in France, and to regulate and govern it by rules in conformity with "the objects of the Institution, and the spirit of their government" (1). This purpose was persistently withstood by the agreement of the meeting of May, 1784, that the "Amended Institution" then reported should be "the Institution by which the Cincinnati shall in future be governed (2);" by the resolution "that the officers of his Most Christian Majesty's Army and Navy, who have served in America, and who were promoted to the rank of colonel for special services, are comprehended in the Institution of the Cincinnati as *altered and amended* (3);" by a recognition of the title of certain named French gentlemen to become members of the Society under the Institution as *amended* (4);

<sup>‡</sup> See Appendix D, page 30.

(1) Minutes General Meeting 1784, page 14.

(2) Minutes General Meeting 1784, page 12.

(3) Minutes General Meeting 1784, page 16.

(4) Minutes General Meeting 1784, page 20.

by the resolution "that a Committee of three be "appointed to report the extracts from the proceedings of the meeting" "necessary to be sent to the "*Society in France* (5);" by the declaration of their possession of various papers from foreign gentlemen, "which "ought to be referred to the *Society in France* (6);" by the direction of 1787 that diplomas of membership shall be transmitted to the marines, and the naval and land officers of the Armies of France which co-operated with the Armies of America during the Revolution (7); and by the resolution of the Triennial Meeting in 1790, to the effect that the claims of French gentlemen then before them in general meeting, for admission as members of the Society, be referred to the Count d'Estaing and de Rochambeau and the Marquis de la Fayette to decide thereon, and "that "on their certificate of approval diplomas be transmitted to them." (8)

*Understanding of the French Officers identical with that of the Founders.*

That the action of the *Society*, in making the officers of the Army and Navy and the high officials of France named in its proceedings, Honorary Members thereof, was in that sense by them understood and entertained, appears by the fact that in response to their notification of it, instead of an acceptance of membership, and a tender of the requisite initiation fee of one month's pay, they express in a letter written in their name and behalf, by the Count de Rochambeau, January 19th, 1784, their thanks for the honor conferred, their proposal to cement in perpetuity the union achieved between America and France, and their sympathy with the charitable objects of the Society; and enclosed "a unanimous and voluntary subscription" of the sums set to their respective names, for the relief and "benefit of the unfortunate officers of the American Army."

(5) Minutes General Meeting 1784, page 21.

(6) Minutes General Meeting 1784, page 15.

(7) Minutes General Meeting 1787, page 30.

(8) Minutes General Meeting 1790, page 43.

accompanied with the hope that the "moderate sums sent for such a praiseworthy object" will not be disapproved (1). (a) That this letter was transmitted by the Count, and received in the interval between the meeting in May, 1783, and that in May, 1784, may be inferred from the fact that among the letters and papers reported at the meeting in 1784 to have been received from the Count de Rochambeau, the Count d'Estaing, the Baron de Viomenil, the Marquis de la Fayette and other French gentlemen, necessary to be acknowledged and answered, appears on its minutes, to have been this letter of the Count de Rochambeau of the 19th of January, 1784, "with enclosures (2)"; while the letter of General Washington in reply, as President-General of the Society, "signed in the General Assembly" under date of May 15th, 1784, wherein he declares the reception of the sums subscribed by the French Officers and transmitted by the Count, "to be incompatible with the confederation of the United States," and declines to receive them "as contrary to the "Original Institution of this Society to receive sums "of money from foreign nations though in alliance" (3) is conclusive that neither by the Founders of the Cincinnati in their action under the "Original Institution" in 1783, nor by the French Officers when notified of it, was it intended by the one to make any than Honorary Members of the French Officers, nor by the other was it understood that they had received a superior right.

That the subscriptions of the French Officers forwarded by the Count de Rochambeau are referable exclusively to the action of the *Society* under the Institution of 1783, and were construed purely as a benevolence, responsive to the honor implied in a nominal membership, may be reasonably presumed from their official direction in 1784 to the funds of the French Meeting then first instituted with power to re-

(1) See letter in Baron Girardot's Book. Minutes Gen'l Meeting 1887, p. 10.

(a) The Chevalier de la Luzerne also signified simply an acceptance. New York Book of the Cincinnati (Schuyler) page 21. Appendix C, page 34.

(2) Minutes of Triennial Meeting of 1887, page 19, and see Minutes General Meeting 1784, page 8.

(3) Minutes of Triennial Meeting of 1887, page 19. Baron Girardot's Book.

ceive them (1) and is inflexibly enforced by the words of General Washington that their reception "is contrary to "the Original Institution of the Society," which forbid their reference to any right granted by the "Amended Institution," and imperatively restrict it to the acknowledgment of an honor, which the French Officers were informed, had been conferred on them by the Institution of 1783.

To the notification of the distinction extended to them by the "Original Institution," the French Officers responded with their sympathy in its charitable objects, and contributed a donative to them; but when notified of the adoption of the "Amended Institution" and that they had become regular members of the Society, the names of the officers, forthwith were transmitted from France by the Count de Rochambeau to the Society in America (2). In this contrast there is ample evidence that the Officers of France understood their preferment by the "Original Institution," to be only an honorary distinction; but that by the "Amended Institution," they were invested with full membership in the Society. (a)

*Confirmatory Proceedings of the General  
Meeting and its Correspondence from  
1783 to 1800 inclusive.*

But the letters prepared by a Committee (Messrs. Smith, Williams and Knox), laid before the meeting, (3) and with its approval, signed by General Washington, President-General of the Society, in reply to those of the Counts de Rochambeau and d'Estaing, the Baron

(1) Minutes General Meeting 1887, page 19.

(2) Letter of Count de Rochambeau, Aug. 23d, 1784, Baron Girardot's Book.

(a) Long after the formal announcement by the General Meeting in 1800 of the failure of the Amended Institution, and its official *Exequatur* of the unimpaired authority of the Original Institution, the nature of the membership with which it invested the French Officers, was recognized and observed by General the Marquis de la Fayette when, on his visit to this country in 1825, representing to the New York Society (near fifty of its original members surviving) that *Baron D'Aurier*, a Lieut-General in the Armies of France had served during the war of the Revolution as an officer of distinguished merit in the French Army commanded by the Count de Rochambeau, he applied to it for his admission as an *honorary member* of the Cincinnati Society, and became on request, the bearer to the Baron of a copy of the resolution of his admission, and of a diploma as such (New York Book of the Cincinnati (Schuyler) page 107) see Appendix D, page 39.

(3) Minutes of General Meeting 1784, pages 15-20.

de Vomenil and the Marquis de la Fayette (1) hereinbefore referred to, cast a stronger light upon the nature of the relations between the General Meeting and the Officers of France, as they subsisted at the respective periods *before* and *after* the adoption of the "Amended Institution" in 1784. Under their respective dates of May 15th and 17th, they were signed by General Washington in his official capacity, and transmitted each to its particular address. Together with the minutes of the General Meeting, (2) they reveal that the gentlemen of France, whom the founders of the Cincinnati Society did "themselves the honor to consider as members," had organized a "meeting" or "society," supposed to be destitute of power by "the claims" and "the memorials, petitions and letters relative to those claims," they preferred to the General Meeting for succor and relief. These appeals, though properly directed to the General Meeting when made, were neither entertained nor discussed at its meeting in 1784, but were remitted to the French Meeting, with the intelligence of its accession under the "Amended Institution," to the power of self relief. The letters are uniformly expressive of a distinction between "the meeting" in France under the "Original Institution" of 1783, and the "meeting" under the "Amended Institution" of 1784; by the last of which it was assumed, the first had been superseded. There being no inherent authority in a meeting of honorary members, no remedial power was predicated of it; and the questions propounded, and the claims preferred, were therefore returned to the meeting in France, then first provisionally enabled by the "Amended Institution," with the functions of primary membership. The uniformity of tenor to this effect, of these several letters is observable in all, and plainly pronounced in that to the Marquis de la Fayette. "The meetings of the Society "in France being *now*, distinctly considered in all "respects, of the same authority as the State meetings, "no claims will in future be determined in the general

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(1) Minutes of General Meeting 1887, pages 19-20.

(2) Minutes of General Meeting 1784, *passim*.

“meeting, and all claimants must apply to the meeting  
“of the state or country where they reside. Those  
“meetings alone are to judge of the qualifications of  
“members of the Society, and to execute the benevo-  
“lent intention of our institution.”

Nor should the fact be forgotten that these letters to the Counts de Rochambeau and d'Estaing, the Baron de Vomenil and the Marquis de la Fayette, are in reply to theirs, sent from France in the interval between the notice conveyed to the officers of France, of the honorary distinction conferred on them by the institution of 1783, and the adoption of the “Amended Institution” in 1784. As theirs is the vehicle of “memorials and petitions” for relief, and of “claims” presented, each of them attests the inability of the Meeting it represents. Surely no stronger testimony than this admission of incompetency is needed of the abnormal character of the Meeting in France under the “Original Institution.” Yet, that no membership in the Society was understood by its constituents to have been conferred on the high officials and officers of France originally named, still stronger evidence is at hand, not only in the fact that no French Society is included among the State Societies appealed to by the General Meeting in the Circulars of 1784, 1788 and 1796, or in the resolutions of 1784, 1790–1791 and 1793, (1) as necessary to ratify the “Amended Institution,” but in the fact of its more significant exclusion, in the Circular of 1788, from the list of Societies whose “*unanimous vote*” was asserted by them, to be necessary to the establishment of “a permanent constitution (2).” These, together with the ascription in 1800, of the rejection of the “Amended Institution” to the refusal exclusively of the State Societies to accept it, (3) form a cohesive chain of irrefutable proof.

Anterior to the circular letter of 1784, and but once, was the meeting in France named among the meetings to which it was directed to be sent; while in two instan

(1) Minutes of General Meeting 1784, 1788, 1790, 1791, 1793, 1796.

(2) Minutes General Meeting 1788, page 40.

(3) Minutes General Meeting 1800, page 65.



ces, contemporary therewith, its absence is notable of a design to exclude it from the list of those to which ultimately it was thought necessary to submit for ratification, "the Institution as *altered* and *amended*" (1). Its occurrent association with the State meetings, in the letter of General Washington to the Marquis de la Fayette (2), recommending to them the Amended Institution "for concurrence and ratification," is disarmed by the contiguous declaration pregnant with the knowledge of its previous impotence, that the Meeting in France is "*now* distinctly considered in all respects "as of the same authority as the State meetings."

Service in "the *American Army*," the animating principle of the Cincinnati Society, was an attribute, neither of the officers of the "cooperating" *French Army and Navy*, nor of their Excellencies, the Chevalier de la Luzerne and the Sieur Gerard, Plenipotentiaries of France; and their conjunctive distinction indicates strongly the *considerate* design to bestow upon them, (grateful for their "generous assistance,") the honorable hospitality of nominal membership.

The General Meeting represents acceptably the integrity of the Cincinnati and in its Triennial recurrence is the legitimate expression of their unity. The INSTITUTION therefore, which confines the one exclusively within the circuit of the *State Societies*, and restricts the other to delegates from them alone, bears intrinsic assurance that no Society in France is comprehended an integrant part of the Society in America. (a)

(1) Minutes of General Meeting 1784, pages 15-20. See page 60, note 4.

(2) Minutes General Meeting 1887, page 20

(a) To the fact that the "Original Institution" comprised no French Society among the components of the General Society and admitted no delegates from one to its Triennial Meeting, it may be objected that neither was the French Meeting of the "Amended Institution" recognized by it in its structure of the Society, nor authorized to send delegates to its Triennial Meeting; and therefore, that its want of representation under the "Original Institution," in proof of there having been no French Society is without avail.

It is answered that the letters of General Washington, President-General, by order of the Triennial Meeting which enacted the "Amended Institution," to the Baron de Viomenil, the Count d'Estaing, and to the Marquis de la Fayette, (Minutes General Meeting 1887, pp. 19-20) show that the French Meeting was understood to have, and was accordingly conceded by the constituent meetings, *all the powers of the State Societies*.

Says the letter to the Baron de Viomenil, "The members of the Society in France, will in future, hold meetings there, as we do in these States."

Says the letter to the Count d'Estaing, "The meeting of the Society in France, is conceived to be in a situation similar to those in the States in America."

Says the letter to the Marquis de la Fayette, "The meetings of the Society in France being now distinctly considered *in all respects*, of the same authority as "the State meetings."

It is not to be supposed that the authors of the Amended Institution, had they been conscious of the existence of a French Society of powers coordinate with those of the States, would, when including those who had been admitted to the State Societies, have rejected those who had been admitted to the Society in France. It is palpable therefore, that the Amended Institution, by defining its membership to include "such other persons who have been admitted to the respective *State* meetings (1);" furnishes inherent evidence that a French Society was a thing unknown to the Founders of the Cincinnati. (b)

In this connection it should be observed that, in addition to the several cases cited by my distinguished predecessor, in his letter to the Society of May 13th, 1892, of the assumption by the General Meeting in 1784 of the extinction of the Institution of 1783; supplemented as they may be by the resolution of 1790, by which the claims of the "French gentlemen now before the meeting for admission as members" (2) are referred to the Counts de Rochambeau and d'Estaing and the Marquis de la Fayette with power, and supported as they are by the agreement of 1784 that the "Amended Institution" then reported should be "the Institution" "by which the Cincinnati shall in future be governed," (3) each of the letters quoted of General Washington ascribes to the "Amended Institution," an absolute jurisdiction.

(1) Minutes General Meeting, page 13.

(b) A silver medal containing the *Order* of the Society had, by the direction of the "Original Institution," been transmitted as a testimonial of "the generous assistance" of France, among others, to certain of the officers of her army, commanded by the Count de Rochambeau, in attestation of their admission as honorary members.\* To dispel any doubt whether such officers "already" members of the honorary grade, were designed to be included among the officers of the French "land forces," described by the "Amended Institution," as those only of the French Army invested by it with full membership in the Society, the letter of General Washington to the Count d'Estaing (Minutes of General Meeting 1887, p. 19) declares that "the Society, careful that those gentlemen who had already received the *Order*, should not be omitted through any mistake, had added "and such other persons as had been admitted, &c." See note \* page 12.

The impossibility of a construction different from this, is exemplified by a reference to the "Amended Institution" to which the "&c" refers, and from which the phrase is extracted. The words standing there "and such other persons as had been admitted by the *State Societies*" comprehend those only admitted by them to full membership; and as no French officer could be or ever had been admitted to full membership by the *State Societies*, inclusion among those admitted by them could not, as was designed, in any sense, either secure or reinforce the membership of the gentlemen of France.

\* The medal referred to by Col. Aaron Ogden, President-General, in his letter to the New York Society of May 22, 1837 (see note \* page 13 and Appendix E, p. 40), in the passage:—"Besides \* \* \* this right can only be proved by the production of the medal, which was doubtless sent to every French Officer who was entitled to it, or accounting for its loss."

(2) Minutes of General Meeting 1790, page 43.

(3) Minutes of General Meeting 1784, page 12.

*The paramount power of the State Societies  
conceded by the General Meeting.*

Other evidence of no doubtful import in the series, that the "Amended Institution" by which the General Meeting in 1784 agreed that "the Cincinnati should in future be governed," was subjected to the condition of its acceptance by the State Societies alone, appears not only in the resolution of that meeting that a copy of the Circular letter, "together with the Institution as altered and amended," be signed by the President-General "and forwarded to every State Society;" but in the part of their Circular of that year which appeals to "the liberality, the patriotism "and magnanimity" of the State Societies "for the ratification of their proceedings." (1) This evidence, with the words of their Circular of 1788, "the establishing a permanent constitution which requires a *unanimous vote* of the representatives of *all* the State Societies" (2) completes the record of their capitulation to the paramount power of the State Societies. Repeated appeals were at recurrent General Meetings addressed to the recalcitrant State Societies until the year 1800, when for want of their confirmation, the dissent of the State Societies to the proposed "Amended Institution," was announced, and their refusal to ratify the same.

It would seem that no further proof of the persistence of the General Meeting in its purpose can be required, than its relentless expression of the demise of the Original Institution, in a record of fifteen years from 1784, to its remission in 1799, by the election of a Treasurer and Assistant Treasurer required by the "Original Institution," but renounced by the "Amended"—followed by the registry in 1800 of its final repudiation through the refusal of the State Societies to unite in the celebration of the obsequies.

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(1) Minutes of General Meeting 1784, pages 16-19-20.

(2) Minutes General Meeting 1788, page 40.

It is unquestionably true that the "Amended Institution" assumed to make certain high officials, and certain of the officers of the Army and Navy of France members of the Society; to authorize their separate organization in France; and that an organization was accordingly effected, and subsequently recognized in various ways by the General Meeting. But, as has been shown, such an organization was not known from the adoption of the Institution in 1783, to the alleged adoption of the "Amended Institution" in 1784. The evidence of its existence is confined between the date of the first Triennial Meeting in May, 1784, at which the Amended Institution was proposed, and of that in May, 1800, at which its defeasance was declared by "a unanimous vote" that the Institution of the "Society remains as it was originally proposed and adopted by the officers of the American Army at the Cantonment on the banks of the Hudson River in 1783" (1). The effect of its recognition, in either the proceedings of the General Meeting or in its official correspondence must be limited *ex-vi-termini* to this definite period of time.

Thus it is plain that the Life of the "Amended Institution," depended solely on the concurrence of the State Societies; in the failure of which, the Meeting in France was summarily bereft of a hypothetical existence.

*The exceptional power of the State Societies under  
the "Original Institution" and by  
imprscriptible right.*

It may not be thought irrelevant here to remark the exceptional power conferred on the State Societies of the Cincinnati, by the "Original Institution." They are the sole judges of the qualification of applicants, and are empowered to admit them to membership in the Society at large. They may expel, for cause, any

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(1) Minutes of General Meeting 1800, page 65.

member of the Cincinnati resident within their respective local jurisdictions. To them alone is entrusted the power of appointing Honorary Members of the Society, and each is invested with the inalienable and irreversible charter right of a Tribunitial negative on any alteration of the "Institution," from which it dissents. Indeed, the extent of their power cannot be more forcibly exemplified than by the unquestionable magnanimity with which they unanimously included the officers of the Navy of the Revolution, within the pale of a Society the exponent of chartered rights to the officers of the Army of the Revolution alone.

*To the rejection of the "Amended Institution" by the State Societies is due the existence at this day, of the Cincinnati Society.*

This inventory of powers is a singular instance of a part, endowed with the attributes of the whole. Singular though it be, fortunately, to it the Society is indebted for its existence. The dissent of the State Societies from the "Amended Institution," saved to its members the Society they enjoy. What would have been the consequence of their compliance, may now not unprofitably be considered.

*The consequence of an acceptance of the "Amended Institution" by the State Societies.*

A glance shows us, that under the "Institution" as proposed with Amendments, no Americans were members except "the commissioned and brevet officers of the Army and Navy of the United States, "who (13th of May, 1784) had served three years, "and who had left the service with reputation; the "officers who were in actual service at the conclusion "of the war; and all the principal staff officers of

" the Continental Army." There were also made members, " the late and present (May 13th, 1784) ministers " of his most Christian Majesty to the United States, " and the Generals and Colonels of regiments and " legions of the land forces, and all Admirals and " Captains of the Navy ranking as Colonels, who have " co-operated with the Armies of the United States in " their exertions for liberty: and such other persons " who have been admitted by the respective State " meetings " (1). It is evident that a Society thus constituted, must have expired with its members, for the want of successors; and as the last of them must have died many years since, the Society of the Cincinnati must have perished with them. To the rejection, therefore, of the " Amended Institution " by the State Societies, is justly attributable the existence at this day of a Society, whose endurance in perpetuity was the inspiration of its Founders.

#### CONCLUSION.

From this retrospective view may be derived the conclusion that if the " Amended Institution " had been ratified, there had now been no Society of the Cincinnati; and that it exists, is due alone to the rejection by the State Societies of the alterations and amendments proposed to the Institution of 1783—a conclusion upon which logically rests the irrefutable proposition, that if the " Original Institution " survives, there never has been a full panoplied Society of the Cincinnati in France; but that if, annulled by the " Amended Institution," the Cincinnati Society is dead, and the French Society died with it. On whichever horn therefore, of the dilemma it is placed, the fate of the " French Society " is the same.

Fraternally yours,

JOHN COCHRANE.

NEW YORK, July 4th, 1894.

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(1) Minutes of General Meeting 1784, page 13.

## APPENDIX A.

(See page 10)

Pierre Charles L'Enfant of France—enlisted in the service of the United States, 1778—Captain of the Corps of Engineers, 1779—Wounded at Savannah, October 9th, 1779—Taken prisoner at Charleston, 12th May, 1780—Exchanged November, 1780—Brevetted Major, May 2d, 1783—Served to the end of the war—Died June 14th, 1825—His name appears on the Engineers Roll as an original member of the Cincinnati Society. New York Book of the Cincinnati (Schuyler) page 365.

## APPENDIX B.

(See page 10)

Translation of Major L'Enfant's letter. New York Book of the Cincinnati (Schuyler) pages 92, 93.

*Philadelphia, 10th June, 1783.*

MY GENERAL:

Immediately on receiving your letter of the 20th May, which I met by accident at the post office, on the 7th inst., I set myself about the plan of the medal. I send you both faces of the design, which I have made large, so that you may better judge of them. In the execution they can be reduced to a convenient size, which, on account of the precision required in the design, ought not to be less than a dollar, the subject being too complex to admit of its being properly detailed in a smaller compass.

I have not made it oval, agreeably to your desire, as such a form is not proper for a medal; besides, it can be done in the execution, if the idea should be persisted in of having the order in that form, to which, however, I think any other preferable. I also believe and hope that you will be persuaded of this, and endeavor to

convince the gentlemen of it who compose the committee for forming the Institution, and to whom I beg you to communicate the following observations:

A medal, whether round or oval, is considered in the different states of Europe, only as a reward of the laborer and the artist, or as a sign of a manufacturing community, or religious society; besides, the abusive custom prevailing, particularly in Germany and Italy, of sending to France montebanks, dancers and musicians, ornamented in this manner, renders it necessary to distinguish this order by a form which shall be peculiar to itself, and which will answer the two-fold purpose of honoring those invested with it, and making itself respected for its simplicity, by such as may be in a situation minutely to examine its different parts.

Not that I suppose one form or another will change the opinion of a republican people, accustomed to think; I only say, that in an institution of this sort the main design should be to render it respectable to everybody, and that it is only in appealing to the senses that you can engage the attention of the common people, who have certain habitual prejudices which cannot be destroyed. A gentleman already invested with any European order, would be unwilling to carry a medal, but if, flattered by receiving a mark of distinction from a respectable society, he should do it, the manner of it would by no means increase the value of the order. On the contrary, giving it a new and particular form will be adding a recommendation to its real value, and engage those invested with it, to wear it in the same manner as their other military orders, which is the surest means of putting it at once upon a footing with them.

The bald eagle, which is peculiar to this continent, and is distinguished from those of other climates by its white head and tail, appears to me to deserve attention.

I send you two essays which I have made, and desire one of them may be adopted instead of the medal. In one, I make the eagle supporting a star with thirteen



points, in the centre of which is the figure of the medal, with its inscriptions, as well in front as on the reverse. A legend might be added in the claws and go round the neck of the eagle, with a particular inscription, or the contour of the medal transferred there. In the other, I have made simply the eagle, supporting on its breast the figure of the medal, with a legend in his claws and about the neck, which passes behind and sustains the reverse. I would prefer the latter, as it does not resemble any other order, and bears a distinct character : nor will it be expensive in its execution. The first device, although more complex, would not be so dear as people may imagine, especially if the execution of it should be committed to skillful persons, which would not be the case any more than with the medal, but by sending it to Europe, where it would not take up a great deal of time, nor be so expensive as to trust the execution of it here to workmen not well acquainted with the business.

A medal is a monument to be transmitted to posterity ; and, consequently, it is necessary that it be executed to the highest degree of perfection possible in the age in which it is struck. Now, to strike a medal well, is a matter that requires practice and a good die : and as there is not here either a press proper for this work, nor people who can make a good die, I would willingly undertake to recommend the execution of the medal, the eagle, or the order, to such persons in Paris as are capable of executing it to perfection. So far from proposing to change the oval medal into an eagle, on which should be impressed the medal, I do not pretend to say medals cannot be made. On the contrary, my idea of the subject is, that silver medals should be struck, at the common expense of the Society, and distributed, one to each member, as an appendage to a diploma of parchment, whereon it would be proper to stamp the figure of the medal, the eagle, or the star, in its full dimensions, and properly colored, enjoining

on the members to conform to it, though leaving them the liberty, provided it be at their own expense, of having it made of such metal and as small as they please, without altering any of the emblems. It seems to me by no means proper that the honorary members should wear the order in the same manner as the original members; it would be necessary that they should wear the medal, the star, or the eagle, round their necks, and the original members at their third button-hole. These remarks, I beg you, my General, to have translated and submitted to the gentlemen concerned. I shall be obliged to you to let me know the issue of this letter, and their decision upon it.

I have, etc., etc., etc.,

L'ENFANT.

N. B.—The head and tail of the eagle should be silver, or enamelled in white, the body and wings gold, the medal on its breast and back enamelled in the same color as the legend; sprigs of laurel and oak might be added in the wings enamelled in green; the star should be pointed in gold, or enamelled in blue and white; those who would be at the expense might, instead of white, have diamonds. The riband, as is customary in all orders, should be watered."

## APPENDIX C.

(See pages 13-19)

Record of the proceedings of the Founders of the Cincinnati Society in the Constituent Convention, June 19th, 1783—New York Book of the Cincinnati (Schuyler) pages 21, 22, 23, 24.

*Cantonment of the American Army, 19th June, 1783.*

At a meeting of the General Officers, and the gentlemen delegated by the respective regiments, as a Convention for establishing the Society of the Cincinnati, held by the request of the President, at which were present,

Major-General Baron de STEUBEN, President,  
 Major-General HOWE,  
 Major-General KNOX,  
 Brigadier-General PATTERSON,  
 Brigadier-General HAND,  
 Brigadier-General HUNTINGTON,  
 Brigadier-General PUTNAM,  
 Colonel WEBB,  
 Lieutenant-Colonel HUNTINGTON,  
 Major PETTENGILL,  
 Lieutenant WHITING,  
 Colonel H. JACKSON,  
 Captain SHAW,  
 Lieutenant-Colonel HULL,  
 Lieutenant-Colonel MAXWELL,  
 Colonel COURTLANDT.

General Baron de STEUBEN acquainted the Convention that he had, agreeably to their request, at the last meeting, transmitted to his Excellency the Chevalier de la LUZERNE, Minister Plenipotentiary from the Court of France, a Copy of the Institution of the Society of the Cincinnati, with their vote respecting his Excellency, and the other characters therein mentioned ;

and that his Excellency had returned an answer, declaring his acceptance of the same, and expressing the grateful sense he entertains of the honor conferred on himself, and the other gentlemen of the French nation, by this act of the Convention.

*Resolved*, That the letter of the Chevalier de la LUZERNE be recorded in the proceedings of this day, and deposited in the archives of the Society, as a testimony of the high sense this Convention entertains of the honor done to the Society by his becoming a member thereof.

The Letter is as follows :

(See page 19, note.)

*Philadelphie, le 3 Juin, 1783.*

“ MONSIEUR LE BARON,

“ J’ai reçu avec beaucoup de reconnaissance les statuts de l’ordre respectable que messieurs les officiers de l’armée Americaine viennent de fonder : si le courage, la patience, et toutes les vertus que cette brave armée a si souvent déployées dans le cours de cette guerre, pouvoient jamais être oubliées, ce monument seul les rappelleroit.

“ J’ose vous assurer, monsieur, que tous les officiers de ma nation, que vous avez bien voulu admettre dans votre société, en seront infiniment honorés ; je vous prie d’être bien persuadé que je sens, en mon particulier, bien vivement l’honneur que m’ont fait messieurs les officiers de l’armée, en daignant penser à moi dans cette occasion. Je compte aller rendre mes devoirs à son excellence le General WASHINGTON, aussitôt que le traité définitif sera signé, et j’aurai l’honneur de les assurer de vive voix de ma respectueuse reconnaissance.

“ Je saisis avec un grand empressement cette occasion de vous renouveler les sentiments du très parfait et très respectueux attachement avec lesquels j’ai l’honneur d’être,

Monsieur le Baron,  
votre très humble, et  
très obéissant serviteur,

LE CHEVALIER DE LA LUZERNE.

Monsieur, Monsieur le Baron de STEUBEN, Major-Général }  
au service des Etats Unis, au Quartier Général. }

The Baron having also communicated a letter from Major L’ENFANT, enclosing a design for the medal and order, containing the emblems of the Institution.

*Resolved*, That the bald eagle, carrying the emblems on its breast, be established as the order of the Society, and that the ideas of Major L'ENFANT respecting it, and the manner of its being worn by the members, be adopted. That the order be of the same size, and in every other respect conformable to the said design, which for that purpose is certified by the Baron de STEUBEN, President of this Convention, and to be deposited in the archives of the Society as the original, from which all copies are to be made. Also, that silver medals, not exceeding the size of a Spanish milled dollar, with the emblems as designed by Major L'ENFANT, and certified by the President, be given to each and every member of the Society, together with a diploma, on parchment, whereon shall be impressed the exact figures of the order and medal, as above mentioned; any thing in the original institution, respecting gold medals, to the contrary notwithstanding.

Major L'ENFANT's letter is as follows:

*Philadelphie, le 10 Juin, 1783.*

“ MON GÉNÉRAL,

Aussitôt après la reception de votre lettre en date du 20 Mai, laquelle ne m'est parvenu que le 7. ayant été par hazard à la poste, je me suis occupé des projets de la médaille. Je vous envoie les desseins de deux faces, que j'ai faits, en grand, à fin qu'on puisse mieux juger de l'ensemble. Lors de l'exécution on la reduira à la grandeur convenable qui pour peur que l'on exige de précision dans le dessein, ne doit pas être plus petite qu'un dollar, le sujet se trouvant trop compliqué pour que les details puissent être aperçus sous une plus petite dimension.

“ Je ne l'ai point fait ovale, ainsi que vous me le demandez, vu que cette forme est peu propre à une medaille; d'ailleurs, on pourra toujours la faire au moment de l'exécution, si on persiste absolument à vouloir porter l'ordre sous cette forme, à laquelle je crois que tout autre seroit préférable; ainsi que je crois et espere que vous en serez bien persuadé, et ferez en sorte d'en convaincre les personnes qui composent le comité relatif à cette institution, auxquelles je vous prie de communiquer les observations suivantes.

“ La médaille, ronde ou ovale, n'est considérée dans les différents stats de l'Europe que comme une récompense d'artiste, d'artistant, ou comme un signe de communauté de fabricants, ou société religieuse—

en outre, l'usage abusif que l'on en fait, particulièrement en Allemagne et en Italie, d'où il arrive en France, des baladins, des musiciens, décorés de cette manière, rend nécessaire de distinguer cet ordre par une forme qui lui soit particulière, et puisse, en honorant celui qui en sera décoré, remplir le double objet de se faire respecter par son simple aspect, de ceux même qui en seront apportés d'en détailler les différentes empreintes.

“Ce n'est pas que je croye qu'une forme, où une autre changera l'opinion d'un peuple républicain accoutumé à penser, mais je dis, que dans une institution pareille, le premier but doit être de se rendre respectable à tous les peuples du monde; et que ce n'est qu'en parlant aux yeux qu'on attire l'attention du vulgaire, qu'il y a des préjugés d'habitude qui ne peuvent être détruits—qu'un homme qualifié et déjà décoré en Europe ne portera pas une médaille, ou, si flatté de recevoir une marque de distinction d'une société respectable, il la portoit, ce seroit d'une manière peu propre à faire accréditer la valeur de l'ordre. Qu'au contraire, en lui donnant une forme nouvelle en particulier, ce sera ajouter à sa valeur réelle, celle de la rendre recommandable, en engageant ceux qui en seront décorés à en faire parade de pair avec les autres ordres militaires, ce qui est le plus sûr moyen de la mettre d'abord de niveau avec eux.

“Le baldaque qui est particulier à ce continent et qui se distingue à celui des autres climats, par sa tête et sa queue blanches, m'a paru mériter de l'attention.

“Je vous envoie deux essais que j'ai faits; je désire que l'un des deux puisse être adopté au lieu et place de la médaille. Dans l'un, je fais l'aigle supportant une étoile, à treize pointes, dans le centre de laquelle est renfermée la figure de la médaille avec les inscriptions, tant sur la face que sur le revers. On pourroit ajouter une légende dans les serres et autour du col de l'aigle, avec une inscription particulière, où bien y transfère celle du contour de la médaille. Dans l'autre, j'ai fait l'aigle simplement portant sur sa poitrine la figure de la médaille, avec une légende dans ses serres et autour du col, laquelle lui repasse par derrière le dos pour soutenir le revers. Je préférerois le dernier, en ce qu'il n'a rapport à aucun ordre et porte avec lui un caractère distinctif, et ne seroit pas fort dispendieux à faire exécuter. Le premier mené, quoique plus compliqué, ne reviendrait pas aussi cher qu'on pourroit le penser, toute fois qu'on en chargeroit des personnes capables de l'exécuter; ce qui ne peut avoir lieu non plus que relativement à la médaille qu'en l'envoyant en Europe, ce qui n'exigerait pas beaucoup de tems, et ne seroit pas si dispendieux, que d'en confier l'exécution à des personnes incapables.

“Une médaille est un monument qui passe à la postérité; et par conséquent il est nécessaire qu'elle soit portée au degré de perfection possible dans le siècle où elle est frappée. Or, bien frapper une médaille est une chose qui demande de l'habitude et un bon coin, or il n'y a ici ni balancier propre à cette besogne ni gens capables de faire un

bon doin, je me chargerois volontiers de recommander l'exécution de la médaille, de l'aigle ou ordre, à gens capables de l'exécuter à Paris.

" Bien loin que je propose de changer la médaille ovale et un aigle sur lequel seroit empreint cette médaille, je ne prétends pas dire qu'ils ne savent pas frapper des médaille. Au contraire, voici quelle est mon idée à ce sujet.

" On pourroit faire frapper ici des médailles d'argent aux frais communs de la société, et en distribuer une à chacun de ses membres, comme un titre adapté à la patente de parchemin, sur laquelle il sera aussi à propos de graver la figure de la médaille, la forme de l'aigle ou de l'étoile, avec sa plus grande dimension, détaillant les couleurs, en soignant de s'y conformer, laissant la liberté aux chevaliers que s'en pourvoyeronnt à leurs dépens, de la faire de tel métal, et aussi petite que possible, sans altération d'aucun des emblèmes. Il ne me parroit pas non plus à propos que les chevaliers honoraires portassent l'ordre pareille aux chevaliers de droit. Il faudroit qu'on signifiât qu'ils portassent la médaille, ou l'étoile, ou l'aigle en sautoir, et les chevaliers à la 3me boutonniere.

" Mon Général, ce sont les remarques que je vous prie de faire traduire, et de les soumettre à l'opinion général. Je vous serois obligé de me faire savoir quelle issue cette lettre aura, et quelle sera la décision qu'on en donnera.

J'ai, &c. &c.,

L'ENFANT.

" N. B. La tête et la queue de l'aigle seroient d'argent ou émaillées en blanc, le corps et les ailes d'or, la médaille sur sa poitrine et sur son dos, émaillée en couleur de même que la légende. Ou pourroit y ajouter des branches de laurier et de chêne dans les ailes, pour lors qu'on emaileroit en verd l'étoile du medaillon seroit pointée en or, ou emailée bleu et blanc, ceux qui voudroient faire le dépense pourroient avoir en diamant tout ce qui est blanc. Le ruban seroit moiré comme celui de tous les autres ordres."

*Resolved*, That the thanks of this Convention be transmitted, by the President, to Major L'ENFANT, for his care and ingenuity in preparing the afore-mentioned designs, and that he be acquainted that they cheerfully embrace his offer of assistance, and request a continuance of his attention in carrying the designs into execution, for which purpose the President is desired to correspond with him.

*Resolved*, That his Excellency the Commander-in-Chief be requested to officiate as President-General, until the first general meeting, to be held in May next.

That a Treasurer-General, and a Secretary-General be balloted for, to officiate in like manner.

The ballots being taken, Major-General M'DOUGALL was elected Treasurer-General, and Major-General KNOX, Secretary-General, who are hereby requested to accept said appointments.

*Resolved*, That all the proceedings of this Convention, including the Institution of the Society, be recorded (from the original papers in his possession) by captain SHAW, who at the first meeting was requested to act as Secretary, and that the same, signed by the President's Secretary, together with the original papers, be given into the hands of Major-General KNOX, Secretary-General to the Society; and that Captain NORTH, aid-de-camp to the Baron de STEUBEN, and acting secretary to him as President, sign the said records.

The dissolution of a very considerable part of the army, since the last meeting of this Convention, having rendered the attendance of some of its members impracticable, and the necessity for some temporary arrangements, previous to the first meeting of the General Society, being so strikingly obvious, the Convention found itself constrained to make those before mentioned, which they have done with the utmost diffidence of themselves, and relying entirely on the candor of their Constituents to make allowance for the measure. The principal objects of its appointment being thus accomplished, the members of this convention think fit to dissolve the same, and it is hereby dissolved accordingly.

True copy from the records of the Society.

W. NORTH, Secretary to the President.



## APPENDIX D.

(See pages 17 and 20)

New York Book of the Cincinnati (Schuyler) page 187.

1825.

General La Fayette having represented to the Society that the *Baron D'Aurier*, a lieutenant-general in the armies of France, had served in the United States during the war of the Revolution as an officer of distinguished merit, in the division of the French troops then commanded by *General the Count Rochambeau*, and as allies of the American Army under the immediate command of *His Excellency General Washington* at the capture of Yorktown, in October, 1781, and that the said *Baron D'Aurier* is a gentleman of very estimable and fair character, and is in his sentiments a patriot, and worthy of being enrolled as a brother among the surviving officers of the Army of the United States of the Revolution, and that the Baron is desirous of becoming an honorary member of the Society of the Cincinnati.

On the 4th July this Society, in testimony of the high sense it entertains of the political principles, the fair character and talents, and the meritorious services of the *Baron D'Aurier* in the War of the Revolution for the Independence of the United States of America, do admit him, and he is hereby admitted an honorary member of the Society of the Cincinnati:

*Resolved.* That a copy of the preceding resolution, together with a diploma, with the usual certificate endorsed thereon and signed by the President of this Society, be delivered to our friend and brother, General La Fayette, with a request that he will be pleased, on his return to France, to present the same in due form to the *Baron D'Aurier*.

## APPENDIX E.

(See pages 13, 24 and 16)

Letter of Col. AARON OGDEN, President General of the General Society of the Cincinnati, in reply to a letter of inquiry by the New York Society—New York Book of the Cincinnati (Schuyler), pp. 114-115.

1837.

An application being made for admission by Count Gabrowski, claiming in right of his father, Count Gabrowski, as having served under the *Duke de Luzerne*, the Secretary addressed a letter to the President-General, requesting information with respect to the succession from the officers of the French Army who were admitted members of the Society, and received the following reply:

*Fersey City, May 22, 1837.*

CHAS. GRAHAM, Esq., Secretary.

SIR,—Yours under the post-mark of May 5th, 1837, has been duly received, and on examination I find from the minutes of the General Society that the Society was established by the officers of the *American Army* who signed the Institution, and at the same time (gave) a draft on the Paymaster-General for one month's pay according to their several grades, who combined themselves into one Society of Friends, to endure as long as they shall endure, or any of their male posterity.

There is in the original Institution a provision, of which I now enclose a copy.\* From this provision it would seem that the extension of the order should be confined to the persons designated therein, for otherwise there can be no limit, and it cannot be presumed that the President-General, without authority so to do, transmitted a medal to any not named in the provision,

\* This enclosure was the extract from the original Institution, naming the *Chevalier de Luzerne* and others, including the *Count Rochambeau*, and other *Generals and Colonels* of his army to whom the medal was to be sent, and who were considered as members.

or who had not been a General or Colonel in the army commanded by Count Rochambeau: Besides, there is no provision that the right of membership should descend to the posterity of the persons designated in the enclosed provision, and the adoption of such a rule now, might place the Society in great future difficulties ; but if otherwise, this right can only be proved by the production of the medal, which was doubtless sent to every officer in the French Army who was entitled to it, or accounting for its loss.

I know of no list of the names of the officers of the French Army who were admitted members of the Society other than as contained in the enclosed provision, nor of any such prepared by General Knox, but if such an one was prepared at the time, it must have been confined to the Generals and Colonels in Count Rochambeau's army.

I am, sir, very respectfully,

Your most obedient servant,

AARON OGDEN.

## APPENDIX F.

(See page 16)

Minutes of General Meeting (1848), p. 95.

*November 29, 1848.*—At a General Meeting held in Philadelphia, the Secretary-General, in conformity with the resolution of a previous meeting (1844) requesting him to “collect from the minutes and proceedings of the Society, the different rules and regulations that have been from time to time adopted in regard to the election and tenure of members and officers,” presented the following Report, which was adopted, and ordered to be printed for the use of members of the State Societies:

“The Secretary-General reported:

“That he has carefully examined all the minutes and proceedings of the Society in his possession, and respectfully submits the following as the result:

“The Constitution, accepted by the Society in 1783, provides that the members shall consist of the officers of the American Army, as well those who have resigned with honor, after three years’ service in the capacity of officers, or who have been deranged by the resolutions of Congress, upon the several reforms of the Army, as those who shall have continued to the end of the war. Those officers who are foreigners, not resident in any of the States, to have their names enrolled by the Secretary-General. And declares the Society shall endure as long as they endure, or any of their eldest male posterity, and in failure thereof, the collateral branches, who may be judged worthy of becoming its supporters and members.

“This last provision is extended in like manner to the descendants of such officers as had died in the service.

“The admission of honorary members *for their own lives only* is also provided for by the Constitution; but they are not to exceed in number, in each State, a ratio of one to four of the officers or their descendants.

"The same instrument directs that 'in the General Meeting, the President, Vice-President, Secretary, Assistant Secretary, Treasurer, and Assistant Treasurer General, shall be chosen to serve until next meeting.'

"At the first General Meeting of the Society, held on the 4th of May, 1784, and continued by adjournment until the 18th of said month, it was unanimously resolved "that the manner of voting be by the representation of each State Society." Subsequently, at said meeting, material alterations in the Constitution were agreed to, affecting (*inter alia*) the election and tenure of members and officers. These alterations, however, never received the sanction of the State Societies, as appears by the unanimous adoption, in General Meeting, in May, A. D. 1800, of the following report of a committee appointed to examine the records of the Society, and report to said meeting the state of the Institution, viz. :

"That the Institution of the Society of the Cincinnati remains as it was originally proposed and adopted by the officers of the American Army, at their Cantonments on the banks of the Hudson, in 1783."

"Since the re-acknowledgment of the original Institution, the Secretary-General finds nothing touching the election or tenure of members, except the following, extracted from the minutes of a General Meeting, held on the 4th of May, 1829, viz. :

"A question having arisen, whether in case of the death of a member having no male issue except a grandson, the issue of a daughter, such grandchild shall be preferred to collaterals. The Society conceives the true construction of the Constitution to be, that the grandchild shall be preferred, he being in the direct line of descent."

"And in relation to the officers of the Society, he finds that since the substitution of special for stated Triennial Meetings, the officers have been chosen for three years, and thenceforward until a new election takes place.

A. W. JOHNSON, Secretary-General.

## LETTER,

*July 4, 1895.*

TO THE CINCINNATI OF NEW YORK:

*Brethren :*

The investigation in my former letter of the claims to authenticity of a Society of the Cincinnati in France, having occasioned other and relevant inquiries, I am disposed by their nature to lay their result before you.

## II. ORIGIN AND NATURE OF THE INSTITUTION OF THE CINCINNATI SOCIETY.

The rule that in literary construction allows resort to the exigency felt or the object proposed, is very generally recognized and accepted. Individual habits, contemporary customs and prevalent opinions are the frequent means of elucidating a passage otherwise obscure.

The divergent constructions of the "Institution" of the Society of the Cincinnati, doubtless are in a measure due to a want of consideration of the circumstances which influenced the author who conceived it, or of attention to the affinities of the men who created it. It cannot be supposed that all were not conversant with the principles, and imbued with the spirit of the government in whose defense they had imperilled their lives; especially when their words. "To perpetuate therefore as well the remembrance of this vast event, (*the establishment of Free, Independent and Sovereign States*) "as their mutual friendships," in the "Institution" they framed, explicitly declare their intention that the Freedom, Independence and Sovereignty of the States of the Confederation, should *ever* be reflected in the State Societies of the Cincinnati. (Note \*.) When Gen'l Knox conceived the Society of the Cincinnati in 1783, there is reason therefore to suppose that he modeled its Institution upon the Articles of Confederation of 1778. A careful examination will not fail to reveal their striking resemblance. Gen'l Knox, during his early life was

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Note \*. Institution, see Appendix A. p. 91.

conversant with public affairs, and a diligent use of his opportunities, doubtless contributed in no inconsiderable degree to his subsequent successful conduct of them. It is not unreasonable to believe him to have been familiar with the features of the government in whose support he was engaged. That the similitude observable between the State Societies of the "Institution," and the States of the Articles of Confederation was designed, a comparison of the two instruments furnishes proof to the degree technically termed a violent presumption. (Note 1.)

The ascription however, by the Rt. Rev. Wm. Stevens Perry, Bishop of Iowa, of the original idea of the Society of the Cincinnati, to Dr. Wm. Smith, when in Philadelphia, on the 28th of December, 1778, he publicly alluded to Gen'l Washington, then present, as the Cincinnatus of America, attests that the Tree of Knowledge is not indigenous to the soil of that State. (Note §).

Trite as is the oratorical trope, its incongruity of comparison, deprives it of its asserted effect. The announcement to CINCINNATUS that he had been appointed Dictator of Rome, found him at the plough in his Sabine fields—that to Washington, of his command of the American Armies, found him in public life, a delegate from his native state of Virginia to the Continental Congress; while even the clerical prescience cannot be said to be faultless, which is claimed to have transferred to Gen'l Washington in 1778, the *intent* of his *Officers* in 1783, to justify *by returning, like CINCINNATUS, to their citizenship*, their application of his name to their Society;

In the events of the day however, is to be found the true origin of the idea of the Society of the Cincinnati. Hostilities had ceased, and the American Army lay in its Cantonment at Newburgh on Hudson's River, when the arrears of pay due its officers, after an unsuccessful application to Congress, and the half-pay promised those, who should serve during the war, occasioned great anxiety. Then appeared the celebrated Newburgh Addresses of Major, afterward General John Armstrong, written at the request of many of his fellow officers, exhorting them to refuse to perform during the war, further military duty, or to lay down their arms on the return of peace, unless they were granted their just demands.

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Note 1. See Parallel, Appendix A, page 61.

Note §. American Historical Register, July, 1895, p. 1208. Note 2.

A meeting of officers was anonymously called for the 11th of March, 1783, to discuss their grievances. Whereupon Washington called a similar meeting for the ensuing 15th, for the consideration of their claims: at which his strenuous and pathetic appeal effectually allayed their mutinous discontent, and replaced in its largest reactionary force, that self sacrificing patriotism which had previously characterized the American Army. One month thereafter, on the 15th of April, General Knox drew up his "Proposals" for establishing a Society modeled upon that very government, against which the complaints of the officers to whom the proposals were addressed, had been recently directed with menacing violence. The proposals and their acceptance evidently were the kindly fruit of the renewed and invigorated patriotism of the Army: and thus on the 13th of May, 1783, out of the nettle danger implied in the incendiary Newburgh Addresses, was plucked the flower safety, consummate in THE SOCIETY OF THE CINCINNATI.

### III. PARALLEL BETWEEN THE POWERS OF THE STATES UNDER THE ARTICLES OF CONFEDERATION, AND THOSE OF THE STATE SOCIETIES UNDER THE "INSTITUTION" OF THE CINCINNATI.

The delegates from each State formed the Articles: the officers from the regiments of each State adopted the Institution.

The people in the one, are represented by the United States: the Cincinnati in the other, are represented by the united State Societies.

The delegates from the States form the Congress of the United States: the delegates from the State Societies form the Congress of the Society.

The States retain their sovereignty, freedom and independence and every power, jurisdiction and right not delegated to the United States in Congress assembled: the State Societies possess the power, jurisdiction and right not delegated to the General Meeting in Congress assembled.

The power of the United States was the constituent power of the States whose delegates composed it: the power of the General Meeting is the constituent power of the State Societies whose delegates compose it.



The "denomination" of the Society in the text of the Institution corresponds topically with the "Style" of the Confederacy in that of the articles of Confederation.

"*Perpetuity*" is invoked by each.

The assurance of the *one government* to the citizens of each State of "the immunities and privileges" of the citizens of every other State, is repeated by the *one Society* in the assurance to its members in each State, of equal privileges in all.

To State, and to State Society is allotted each, its numerical representation; and the rule which apporitions the suffrage to each, corresponds with the unit of power accorded to both.

Each State reserves its independent rights, and each State Society preserves its autonomy.

Each State maintains its own delegates; and while each State Society incurs the expense of its own, the dependence of the General Meeting upon the State Societies for financial support is a faithful reflection of that of the Confederacy upon the States it represented. (Note 2.)

Note 2. The fiscal system of the Society has been but little understood, and has been practically neglected by both the General Meeting and the State Societies. The paragraphs of the Institution relating to it are as follows:

"All the Officers of the American Army \* \* \* have the right to become parties to this Institution; provided that they *subscribe* one month's pay, and sign their names to the general rules in their respective State Societies.

"Those officers who are foreigners, not resident in any of the States, will have their names enrolled by the Secretary-General, and are to be considered as *members in the Societies of any of the States in which they may happen to be.*

"In order to form funds which may be respectable, and assist the unfortunate, *each officer* shall deliver to the *Treasurer of the State Society*, one month's pay, which shall remain for ever to the use of the State Society; the interest only of which, if necessary, to be appropriated to the relief of the unfortunate.

"Donations may be made by persons not of the Society, and by members of the Society, for the express purpose of forming permanent funds for the use of the State Society; and the interest of these donations to be appropriated in the same manner as that of the month's pay.

"It is probable that some persons may make donations to the General Society, for the purpose of establishing funds for the further comfort of the unfortunate; in which case, such donations must be placed in the hands of the Treasurer-General, the interest only of which to be disposed of, if necessary, by the General Meeting."

These provisions may be fairly said to bear the following construction—

The right of any of the officers, either native or foreign, of the American Army, within the thirteen States, to become a member of the Society, depends on two conditions—

*First*—that he *sign* his name to the Institution within the Society of the State of his residence; or if a non-resident foreign officer that his name be *enrolled* by the Secretary-General—in which case he is to be *considered* a member of the Society of the State in which he dwells.

*Secondly*—that each officer, native or foreign of the American Army, resident and non-resident, *subscribe one month's pay and deliver the same* to the Treasurer of the Society of his State,—the non-resident foreign officer to the Treasurer of the Society of the State where he dwells, and to which he is considered as belonging. The aggregate of the one month's pay forms a fund of which the State Societies are the dispensers, devoted inviolably forever, to the assistance of the unfortunate. The donations that are permitted to both the General Meeting and the State Societies are subjected to the same limitation. Of the monthly pay, the

The negative of any one of the States in league under the Articles of Confederation forbade alteration of its terms: the negative of any one of the State Societies in compact under the Institution forbids alteration of its terms. (Note §.)

The laws of the Congress of the Confederation had merely the force of recommendations: the action of the General Meeting of the Cincinnati has merely the force of recommendations; and as the stipulation in the Articles of Confederation that "each State retains "its sovereignty," restricted the power of the Congress to *advice*, so the impress by the Institution of sovereignty on the State Societies, restricts the sole powers of the General Meeting to *advice*.

State Societies are the depositories exclusive of the General Meeting, the depository only of the donations to it for the same purpose. It is observable that the fund of each thus devoted to the Charities of the Society, leaves both unprovided with the means of defraying their appropriate expenses, in the event that the interest of the fund does not exceed the sum of the charities charged upon it. These, it may have been expected, were to be provided by the voluntary contributions of their members, till the fees affixed by the State Societies to the admission of the hereditary successors of the Founders, should constitute a fund for the purpose. Doubtless many of the foreign officers of the Army "not resident in any of the States," when having "their names enrolled by the Secretary-General," paid their one month's pay to the Treasurer-General, instead of *delivering* it as required to the Treasurer of the Society of the State where they "happened to be," and of which they were members. Yet, in the event of their improper reception, their inviolable eleemosynary character adhered to them in the hands of the Treasurer-General, and constituted them equally with the donations he received, sacred to the Charities of the Society. If the General Meeting has in any measure, by appropriating these funds, impaired them, in that degree has it crippled the efforts of the Society to relieve the unfortunate.

The sum in the Treasury of the General Meeting is probably the accumulation of the one month's pay and of desultory donations bestowed. The constitutional restraint of its use "for the further comfort of the unfortunate," renders it inviolate for any other purpose; and the consequent want of pecuniary resources by the General Meeting, exclusive of the interest of its funds unexpended in charity, constrains its financial dependence on the State Societies. Hence the appeal of the General Meeting of 1829 (Minutes Gen'l Meeting 1829, p. 82) to the State Societies to contribute a fund "for the purpose of defraying the expenses of "the Society"; and hence the direction of the General Meeting in 1860 (Minutes Gen'l Meeting 1860, p. 151), since disregarded, that "no portion of the invested funds or the accruing interest thereof should be applied to the current or ordinary expenses, but that the same shall be met by the State Societies."

Note §. The Congress of the Confederation of 1778, dependent on the States for the means of paying the debts of the United States, submitted to the States an amendment to the Articles of Confederation, allowing the Congress to impose a duty of 5 per cent. on imports. Rhode Island *alone* dissented, and the amendment failed. Again the same proposition was, for a somewhat different purpose, submitted to the States in 1783, when in 1786 it was practically again rejected by the *sole* negative of the State of New York. Hence our present national Constitution to avert the impending bankruptcy of the Government, consequent upon the refusal of the States to contribute to the liquidation of its debts.

The power of one State to defeat the proposed amendment by its single negative, rested on the impossibility of changing or adding to the terms of a treaty or league without the assent of *all* the parties to it, even though as in the Articles of Confederation and in the Institution of the Cincinnati no such power is expressed.

It has always been conceded and is undisputed now that no change can be made in the Institution of the Cincinnati, *any one State Society* dissenting. The Institution having been understood and held by the Founders to be a *compact* between the State Societies whose members subscribed to it, instead of a *majority* of them being required to its alteration or amendment, the *negative of but one* was understood and held to be sufficient for its defeat. In this consists the strongest of the parallels between the Articles of Confederation and the Institution of the Cincinnati, and decisive proof of the relations between them.

As the several States in 1778 entered "*into a league of friendship*" with each other, the officers of the regiments of the American Army in the several States "combined themselves" in 1783 into "*one Society of friends*;" and as the several States of the Union were confederated in the "sole" government of "the United States of America" in 1778, the several State Societies were confederated in 1783, in the "one Society of the Cincinnati."

Obviously this parallel was not without design; nor was the independence of the State Societies unintended. Convincing however as it is, the Institution itself testifies that the plan of the Society was projected upon that of the United States Government, under the Articles of Confederation of 1778, in these precise terms.—"To *perpetuate therefore, as well the remembrance of this vast event, (the establishment of free, independent and sovereign States)* as their mutual friendships, \* \* \* the officers of the American Army do hereby in the most solemn manner associate, constitute and combine themselves into ONE SOCIETY OF FRIENDS," etc.; and having been thus actuated to form a *Society*, for their "high veneration of the character of that illustrious Roman LUCIUS QUINTIUS CINCINNATUS, and being resolved to follow his example by returning to their citizenship, they think they may with propriety denominate themselves THE SOCIETY OF THE CINCINNATI."

Here were two distinct objects meditated and accomplished, for two separate and distinct purposes—the one the institution of a *Society* whose constituent State Societies should reflect the *freedom, independence and sovereignty* of the States of the old Confederation; and the other, the selection of a *name* which they intended for their exemplar "*in returning to their citizenship*"—the venerated name of LUCIUS QUINTIUS CINCINNATUS.

#### IV. THE STATE SOCIETIES OF THE CINCINNATI— THE EXTENT OF THEIR POWER.

The presence of the respective States as efficient of the Institution is averred by the consecration in the trinity of its "*immutable principles*," of "an unalterable determination to promote and cherish between the respective States that union and national honor so essentially necessary to the happiness and the future dignity of the empire;" is declared in the words of the Institution, that "all the officers of the *American Army* \* \* \* have the right to become parties to this Institution, provided that they subscribe one month's pay, and sign their names to the general rules *in their respective States*;" and is enforced by the *resolution first* adopted by the eliminated Society, which, when directing that "a copy of the Institution be given to the Senior Officers of *the respective State lines*," recognizes, in the method ordered by "the Society" for their separate organization, the intended independence of the State Societies.

The Institution in its own language speaks its own meaning. Preposterous error lies in the assumption that the State Societies are the progeny of the General Meeting. They are the intersecting branches of no parent stock: as the tree rises from the roots on which it rests, the General Meeting rests upon the State Societies that support it. Instead of a division separating the whole into parts, the respective States represented by the officers of the regiments of each, were the parts that constituted the whole. (Note §.) "For the sake of frequent communications" between the sovereign components of the *confederated Society*, the Founders resolved it by the chorographical lines of the thirteen States, into thirteen geographical organizations. Of this significance is the Institution, whose language is descriptive not of State Societies IN the States—

Note §. This order, however, was intended to be reversed by the Amended Institution, by which "The Society of the Cincinnati," having first been constituted of the Officers of the American Army, and certain of the military and civil Officers of France, with periodical meetings prescribed to it, was divided into "State Meetings," to which alone funds were appointed, the interest of which was made contributory to the expense of "The Society" and its officers, on demand.

(Amended Institution, Sec. 4, 5, 10, 12. Minutes Gen'l Meeting, 1784, pp. 13, 14.)

fractions of a Society including them; but of integral Societies "OF the State" where organized. Nor did contemporary opinion diverge from this judgment when Chief Justice Marshall, the Biographer of Washington, pronounced that "The military gentlemen "of each State were to constitute *a distinct Society*; "deputies from which were to assemble triennially in "order to form a general meeting for the *regulation* "of general concerns." (Note 3.) These State Societies the Institution irrevocably pronounces the Society of the Cincinnati in these explicit terms: "From *the* "State lists the Secretary-General MUST make out at "the first general meeting, A COMPLETE LIST OF THE "WHOLE OF THE SOCIETY."

That the purpose of the communications between the State Societies is exclusive of the General Meeting is evident

*First*—from the difficulty under the pressure of personal privations, of communications between the distant parts of a new country of indefinite extent, sparsely populated, and destitute of facilities for interior intercourse.

*Secondly*—from the power of the State Societies to organize District Societies—implements of inter-communication.

*Thirdly*—from the impossibility of "*frequent* communications" with a body of an intermittent triennial existence: and

*Last*—from the provision for communication between the State and the General Meetings, elsewhere in the Institution specifically made. (Note \*.)

Of the delegates from the State Societies the Founders created a body which, as the representative of the Societies, they called the General Meeting. They directed it to be convened either annually or every three years. They constituted its "*meetings*" and the "*meetings*" of the State Societies A JOINT PROTECTORATE of "the *principles*" of the Institution. This concurrent jurisdiction they separated distinctly from the *supervision* of the general interests of the Society, which was confided to the General Meeting alone. Its derivative power thus restricted to conjunctive exercise with

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Note 3. Marshall's Life of Washington, p. 26.

Note \*. "Each State meeting shall write annually, or oftener if necessary, a circular letter to the other State Societies, noting whatever they may think worthy of observation, etc. \* \* \* \* Copies of these letters shall be regularly transmitted to the Secretary-General, who will record them in a book to be assigned for that purpose."

"The circular letters which have been written by the respective State Societies to each other, and their particular laws, shall be read and considered" (in the General Meeting), etc. (Institution).

the State Societies, its only other office appointed by the Institution, is the care of those interests extrinsic of its associate jurisdiction, comprehended within "*the general intendment of the Society.*" Instead therefore, of the negative of the State Societies being, as has been erroneously supposed, a right resting in *prescription*, it is an *indefeasible right*, the radical product of the Institution itself.

Certain important powers belong to the organizations of the State Societies. They alone are the supreme judges of the qualification of applicants for the membership of the Society, and they alone are authorized to admit them members. The requisites of membership are prescribed by the Institution. This prescription is the instrument of that perpetuity which underlies the enumerated *principles* of the Society, and without whose support, their immutability were inconceivable. Pervasive of the organization, it is its prime principle, and necessarily the basis of the whole superstructure. When therefore, to the State Societies was entrusted the vital function of arbiters of the qualification of "the members who may be proposed," they were invested with the supreme prerogative of the Society. (Note \*.)

A member admitted, they may for specific cause expel; and a member residing within the local jurisdiction of any one State is subject to its expulsive power. (Note 4.) The election of honorary members is exclusively theirs. (Note 5.) They meet at their option. Their doors open to the ingress and egress of members of the Cincinnati from and to sister States. They are

Note \*. Theirs is a power to determine whether the applicant possesses the qualifications named by the Institution, and not a license to supplant them with devices of their own.

Note 4. "Ample powers are given to the State Society for the management of its internal police (so to speak) extending even to the expulsion of a member who by conduct inconsistent with a gentleman or a man of honor, or by opposition to the interests of the country in general, or the Society in particular, may render himself unworthy to continue a member" (North American Review, Oct., 1853—"The Cincinnati," by Winthrop Sargent).

Note 5. In the report of the Secretary-General to the triennial meeting of 1890, at page 62 of its "Proceedings" occurs this passage: "On the 17th of May, 1787, the General Society at its *first* triennial meeting admitted his Excellency Lieutenant-General M. le Marquis de Bouille, Commander-in-Chief of the French Military forces, as an honorary member, and directed that he be duly invested with the Order. The right to admit honorary members may therefore be considered an inherent one." The meeting of 1787 was the *second* triennial Meeting, the Society of the Cincinnati not having originated as implied with the Amended Institution in 1784, but with the Original Institution in 1783, when the Founders as "the Society" directed the *first* General Meeting to be holden on the 1st Monday in May, 1784,—when it accordingly met and was *first* organized as "a meeting." The minutes of the meeting of 1787 declare that instructions should be "transmitted to the President or Senior Officer of the Society in France to offer to invest the Marquis de Bouille with the order of the Cincinnati." Neither his membership nor its quality is recorded; and that the honor of the Order was "offered" under the apocryphal authority of the *Amended* Institution, points with shrewdness the suggestion, that the power to admit honorary members, limited by the Original Institution to the State Societies, is inherent *now* in the General Meeting.

the chief almoners of the charities of the Society, and the chief conservators of their store—depositories of its secular funds, and disbursers not only defraying the expenses of the delegates to the General Meeting, but bearing its charges. (Note 6.) They are authorized to organize subordinate Societies, to dissolve them (Note 5), and “to regulate everything respecting “themselves consistent with the general maxims, principles or general rules of the Cincinnati”—a condition affecting a power otherwise absolute, but of which they themselves are constituted the associate, and practically become the ultimate sole judges. Their charter sole negative, is a veto power inalienable and irrevocable in each. In its various parts the Institution abounds with the evidence of an intention to lodge all power with the State Societies, save that of which they are the joint participants; (Notes 7–8), and of this their tenure lies expressly in grant.

Equally erroneous is the affirmation of the inherent right of the General Meeting to admit honorary members even under the Amended Institution. The following Section was among those submitted by the Committee which reported it: “No honorary member shall hereafter be admitted but upon election by the “State meetings, with permission of the government of the State in which the “meeting is held; nor shall any member be elected but by the meeting of the State “in which he actually resides.” It was expunged on debate (Sargent’s Journal, Mem. Penn. Hist. Soc., Vol. VI., p. 102). By its rejection the power of creating honorary members was struck from the Amended Institution as adopted. Such also is the authority of Mr. Winthrop Sargent. “In the Amended Institution the “hereditary principle and the power of electing honorary members were abolished” (Mem. Penn. Hist. Soc., see p. 68). Concurrent with this judgment is the high authority of Chief Justice Marshall, “at the General Meeting in May (1784) the hereditary “principle and the power of adopting honorary members were relinquished” (Marshall’s Life of Washington, p. 301). See also James Fairlie, a delegate from New York to the General Meeting, to Benj. Walker, May 4, 1784.—“The alterations are no hereditary succession; no more *honorary members*; the funds to be put into the hands of government; no Treasurer-General—Knapp’s Life of Baron von Steuben, p. 567.

Note 6. It is only the fund originally constituted of the one month’s pay of the Original Members of the Society, that the Institution makes inviolate for the aid of “those officers and their families who unfortunately may be under the necessity of receiving it” together with the auxiliary fund of “probable” donations to the General Meeting “for the *further* comfort of the unfortunate.” The fees affixed by the State Societies under their constitutional power of self regulation, to the admission of *hereditary* members, and the residue of interest of the one month’s pay, after defraying its charitable burden, are funds subject to their appropriate use, and the source of their supplies to the General Meeting, dependent upon them for support.

Note 8. “The General Society will, for the sake of frequent communications, be divided into State Societies, and these again into such districts as shall be directed by the State Society. The Societies of the districts to meet as often as shall be agreed upon by the State Society.”—(Institution.)

Note 7. By the Amended Institution, the State Societies of the Original Institution were to have been abolished. No *Society* of the Cincinnati was to have existed in any of the States; but the members within any of the States were, as a part or division of the Society itself empowered to assemble within their respective States in “State Meetings” distinguished from the meetings of the Society, otherwise provided for. (Amended Institution, Sections 4, 5, 10, 12. Minutes General Meeting, 1784, pp. 13, 14.)

Note 8. The General Meeting claims the right of reviving and authorizing the reorganization of defunct State Societies. In 1872 it declared that “we are “fully convinced of the supreme authority of the General Society” to “resuscitate” State Societies of the Cincinnati; (Minutes General Meeting, 1872, p. 192) and it has repeatedly exercised the power. At the Triennial Meeting of 1881 (Minutes General Meeting, 1881, p. 224) a Committee of which I was the Chairman reported a similar opinion. Mature consideration however discovers the mistake. The principle of revival is appurtenant to all the State Societies. If dormant, they are not dead,—they are perpetual; and the power of reorganization inheres and runs in the right line of hereditary descent from their original members unchallenged forever, except by the General Meeting, under the conventional right upon the presentation of their credentials, to judge of the qualification of its members.

V. THE JOINT JURISDICTION OF THE STATE SOCIETIES, AND THE GENERAL MEETING, OF THE PRINCIPLES, MAXIMS AND GENERAL RULES OF THE SOCIETY OF THE CINCINNATI.  
THE SUPERVISING OFFICE OF THE GENERAL MEETING.

The meetings designated by the Institution are of two bodies—those of the separate State Societies within the different States, the one ; the other, those of the General Meeting, their representative. The presiding presence in both is “the Society of the Cincinnati”—at the meetings of the State Societies, in the persons of their members, and at the General Meetings, in the delegates who represent them.

These “meetings,” in the two following paragraphs, the Institution selects as the depositories of its power.

“At each meeting (of the State Societies and of the “General Meeting) (Note §) the principles of the Institution will be fully considered, and the best *measures* “to promote them adopted.”

“The circular letters which have been written by “the respective State Societies to each other and their “particular laws shall be read (in the General Meeting), “and *all measures concerted* which may conduce to the “*general intendment* of the Society.”

A difference in the power conferred by the two paragraphs, is denoted by the difference in their language. Nor can that difference be attributed to accident, or be considered as purposeless. Gen'l Knox, though not of scholastic acquirements, possessed an accurate knowledge of his native English, and his aide Capt. Shaw, on whom devolved the task of revising his work, is accredited with a large share of literary proficiency. Under the first paragraph,—the grant of a *joint power* to the “meetings” of the General Meeting and of the State Societies collectively,—“the best meas-

Note §. No District Society has existed save in the State of New York, by whose Society it was created, and suffered to expire.



“ures to *promote* the principles of the Institution,” are to be “*adopted*”—taken and executed as means to the end of *promotion*; by the last, the concession to the General Meeting is of “all measures to be *concerted*”—contrived by mutual communication. But whether enjoined as a duty, or conferred as a power, it is not to *adopt* “the best measures to promote the principles of “the Institution,” but is explicitly restricted to “measures” that may conduce to *the general intendment of the Society*, defined in the *joint power* previously granted to the State Societies and the General Meeting. *To have subjected two equal joint-tenants of a power, to the domination of one, had been a crass inconsistency, inconceivable of the authors of the Institution.*

The American Officers who denominated “themselves the Society of the Cincinnati,” having divided it into two bodies designated the State Societies and the General Meeting, determined its legislation should consist of the conjoint deliberation and enactment of the two, and committed to the General Meeting the executive power of *superintending* its enforcement. That the Founders therefore, were conversant with the American system of civil government, not only may be presumed, but is obvious in the care with which they observed the distinguishing axiom of American polity, that “public safety consists not in the consolidation “and concentration, but in the distribution of power.”

The defeat by the State Societies, of the proposal of the General Meeting of 1784 to expunge from the Institution its fundamental principle of primogeniture, and the unanimity with which the officers of the Navy were admitted by the meetings of the State and General Societies, to a participation in the rights bestowed on the officers of the Army alone, are instances of the concession by each, of the intent of the Institution to commit its principles to the joint custody of both. But though of equal authority, they are equally subjected to the paramount power of the Institution, and both are perpetually bound to an inviolable observance of its fundamental principle of Primogeniture, and its three cardinal virtues of Philanthropy, Patriotism and Charity.

## VI. THE VIRTUAL ULTIMATE CONTROL BY THE STATE SOCIETIES.

Though nominally conjoint, the exercise of this dual regency practically terminates in the ascendancy of the State Societies. Their unanimity being a preliminary essential to their power, necessarily instructs and eventually controls the deliberations of their representatives in the general meetings. In their unity representing the one Society of the Cincinnati, their determination is expressed by the major voice of each; and their triennial delegates accredited vicariously to the General Meeting to represent them, must consequently confirm it with corresponding unanimity. So that an attempt to assail, or a failure to protect any one of the fundamental principles of the Institution, is subjected substantially to the correction of the State Societies. While but one of them therefore, adheres to these principles, the perpetuity of the Society will be secure; but their repudiation by all would be the signal of its doom. However plainly written in the lines of the Institution is the possible declension by the State Societies of representation in the General Meeting, its impotence for many years *in the absence of a quorum of the States*, records the event; and its utter suspension during a protracted term of their omission to be represented at all, confirms it. Its constitutional destitution of pecuniary resources, and its dependence upon the State Societies for supplies, indicate its eventual dissolution whenever refused. It would doubtless be succeeded by a Society nominally of the Cincinnati; but no trace of legitimacy, would be discernible in the changeling. (Note §.)

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Note §. Though in ethics principles are inherently immutable, yet the immutability of its "principles" having been imposed by the Institution a permanent and enduring obligation of the Society, it may be questioned whether either its principles or their basis of primogeniture can be changed, even with the consent of all the State Societies, and whether in that event the Cincinnati of the Fathers would not cease to exist.

## VII. CONFIRMATIVE ANNALS OF THE SOCIETY.

The history of the General Society verifies the necessity of a union of the State Societies and the General Meeting, to effect a change in any one of the fundamental principles of the Institution. It was recognized in the appeal of the Triennial Meeting of 1784 to the State Societies to *ratify* the proposed alterations of the Institution; and that without their united assent the act was nugatory and void, the proceedings of the Triennial Meeting of 1800 record.

The effort of the General Meeting in 1784 to induce its coparceners to ratify its violation of the principles upon which depends the perpetuity of the Society, was renewed in 1851 and in 1854. Despair of the co-operation of the State Societies, impelled its double offence in 1856 of trampling both on "the principles" of the Institution and on the constitutional rights of the State Societies in their support. The NULLITY of the act renders it not the less censurable. Under the influence of public clamor and alarm, the first effort may not have been culpable, nor even have been inexcusable; but no consideration palliates the last. (Note \*.) (Note 9.)

## VIII. DELINQUENT STATE SOCIETIES.

Nor are the State Societies undeserving of reproof. Though constant in their unity to the mandates of the Institution, their circle was not without breach. Some hesitated, others succumbed. Among them was New York whose compliance though infectious, was happily ineffectual to avert the sturdy opposition of some of her sister States. Yet, has New York availed herself of the virtue of repentance; and of all the States, stands alone with her sister Pennsylvania, upon the

Note \*. The arbitrary departure from the Institution of 1783, by the General Meeting of 1856, has been recognized and followed by many of the State Societies. Their numerical expansion has been chiefly the effect; but another and more considerable, is the injury done their claim to legitimate succession. The State Societies of New York and Pennsylvania, consisting of "the eldest male posterity" of the Fathers, represent in their integrity, the Cincinnati of 1783—the others, consisting of their kinsmen, represent in their divergence, the Cincinnati of "1854"—different Societies, with one patronymic, but of different structure, on different foundations.

Note 9. To one of little sympathy with the crude aspirations of "the wide encroaching Eye," the doubt nevertheless may be permitted, whether she is chargeable with piracy of the name of the Cincinnati by an Association which infringes the essential principles of the charter which constitutes its claim to the name; or the deeper doubt whether a Society, which, in its titular assumption of the cognomen of the Roman Cincinnatus, claims to be of his family, would be accorded "a standing in Court" to charge others with the piracy of which, it may be contended, it is guilty itself.

pure and unadulterated principles of the Institution. The fortune and the honor however, of the rescue of its Charter and of saving the Society of the Cincinnati to the posterity of its Founders, belong emphatically to the Society of the State of New Hampshire, with a few of her sister Societies.

#### IX. THE SOCIETY OF THE CINCINNATI IN FRANCE NOT AUTHENTIC—ADDITIONAL PROOFS.

No authentic Society of the Cincinnati exists in France. In the whole range of evidence, not a *scintilla* appears in its behalf. The documents cited to its support condemn it. It is a figment of the imagination—a bantling of the brain, for whose paternity the General Meeting is pilloried as the putative father.

A Society proposed May 10th, 1783, “whose members shall be the officers of the American Army,” and “the plan for establishing a Society whereof the officers “of the American Army are to be members,” accepted on the following 13th, testify that none but American Officers were designed to be members in regular standing.

None but “officers of the American Army” combined themselves “into the one Society of Friends;” nor when they “denominated *themselves* The Society of the Cincinnati,” was the preclusion of the French Officers any the less apparent. With this conclusion concurs the highest contemporary authority. Says Chief Justice Marshall “The *insignia* of the order were “to be presented (to the French Officers) and they “were to be invited to consider themselves members “of the Society, at the head of which the Commander-in-Chief was respectfully requested to place his name.” (Note 1.)

The Institution itself makes no mention either of the Notables of France or of the officers of her Army and Navy. Very generally it is confounded with the proceedings of the Society immediately upon its adoption. With the delineation and establishment of its

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Note 1. Marshall's Life of Washington, p. 26.

"Order" the Institution was complete. "The Society" of its creation, having then directed "the President-General (when appointed) to transmit to them as soon as may be a medal containing *the Order of the Society*," and "acquaint them that *the Society* do themselves the honor to *consider* them as members," forthwith prescribed "the manner and form" in which "the officers of the respective State lines \* \* \* of the *American Army*" should sign "the foregoing Institution" to "become parties to it." The restriction to the *American Officers* of the ceremonial of induction into the membership of the Society, demonstrates that the French gentlemen were not understood to be included within its corporate precincts; and that the transmission to them of *the Order of the Society*, was intended to be the sensible *token* of their *honorable consideration* as nominal, but effete members. (Note §.)

A selection of *French Officers* as the guardians of "the union and national honor of *the respective States*" had been unique; in a burden of charity imposed on a *French Society* unprovided with funds, the superlative of satire had been attained; and consummate folly committed in a permanence of the mutual affection of American Officers, buttressed by a company of gentlemen in France. (Note \*.)

There was no *Circular letter* addressed to the "Society in France." A circular to a single Society had been a solecism of which the Founders were incapable. In the printed minutes of the General Meeting of 1784, the resolution is recorded "that the Institution as *Amended* and *Altered* be forwarded to each State meeting and to the meeting in France, and that it be accompanied with a Circular letter to each explanatory of the reasons which produced the amendments and altera-

Note §. This conclusion, corroborated by the foregoing opinion of Chief Justice Marshall, (ante page 58) is confirmed by the following words in the letter addressed by the General Meeting of 1784 to the Senior Land and Naval Officers and others, members of the Cincinnati in France. "For us then it is enough \* \* \* that our *Friendships* should be an immutable as they are sincere, and that you *have received the token of them with such tender sensibility*;" (Appendix B, pp. 96-97) as well as by the following words in the letter of Major L'Enfant to the Baron von Steuben from Paris, Oct. 29, 1783—"Here in France, they are more ambitious to obtain *the Order* of the Cincinnati, than to be decorated with the Cross of St. Louis; and daily I receive application for it."—Knapp's Life of Baron von Steuben, p. 564.

Note \*. See Institution, p. 94.

"tions, and recommending the same to their observ-  
 "ance." (Note 2.) This resolution followed immedi-  
 ately *after* the adoption of the Amended Institution,  
 on the 13th of May, and of the agreement that "it  
 should be the "Institution by which the Cincinnati  
 "shall in the future be governed." (Note 3.) As the  
 resolution and the minutes import, their reference to  
 "a French Society," and that of all of the subsequent  
 proceedings, communications and correspondence of  
 the General Meeting for fifteen years, was to no other  
 than to the French Meeting of the Amended Institution.  
 (Note 4.) The Journal of the proceedings of the  
 meeting by Governor Sargent, does not include "the  
 meeting in France" in this resolution: but in both the  
 minutes and the Journal it is stated that on the follow-  
 ing 17th of May, "a draft of a letter to the Senior land  
 "and naval officers and other members of the Society  
 "in France was read and approved, and a transcript  
 "thereof ordered to be signed and transmitted by the  
 "President." (Note 5.) Though neither the letter nor  
 its tenor is disclosed by the minutes, they appear in the  
 Journal. (Note 6.)

The following extract from the letter is explanatory  
 of both—

"From the General Meeting held in Philadelphia  
 "on the first Monday in May, 1784. To the Senior  
 "land and naval officers and other members of the  
 "Cincinnati in France—Gentlemen: We, the delegates  
 "of the Cincinnati, having judged it expedient *to make*  
 "*several alterations and amendments in our Institution*  
 "and having thought it our duty to communicate the  
 "reasons upon which we have acted, *in a Circular ad-*  
 "*dressed to the State Societies, do now transmit* FOR  
 "YOUR INFORMATION, a transcript of that letter, to-  
 "gether with a copy of the Institution as revised and  
 "corrected," &c.

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Note 2. Minutes General Meeting, 1784, p. 15.

Note 3. Minutes General Meeting, 1784, p. 12.

Note 4. In my letter of July 4, 1894, to the New York Cincinnati it was stated  
 that but once, and that in the resolution cited, was a French Society named, but *not*  
 that it referred to the Society of that name authorized by the Amended Institution.  
 See pages, 22-23.

Note 5. Minutes General Meeting, 1784, p. 21. Sargent's Journal. Memoirs,  
 Penna. Hist. Society, Vol. VI, pp. 111-112.

Note 6. Winthrop's Journal Supra., pp. 111-112.

For letter in full see Appendix B, p. 96.

Thus it appears that no Circular, but a copy of the Circular containing "the reasons" for "the several alterations and amendments" in the Institution, made and addressed by the General Meeting to *the State Societies*, was transmitted to the Senior land and naval officers, and other members of the Cincinnati in France, "*for their information*," together "with a copy "of the Institution as *revised and corrected*."

Upon this evidence may be securely rested the allegation, that no Society of the Cincinnati was authorized in France by the Original Institution, and that no Circular was addressed or transmitted to such a Society; but, that *after* the alterations and amendments of the Original Institution had been adopted, a letter to the Meeting in France then authorized, together with a transcript of the Circular to *the State Societies*, and a copy of the *Amended Institution* which chartered them a Meeting, was transmitted to its members "*for their information*."

The minutes of the General Meeting of 1887 which record the petition of the French applicants and the privilege granted them to "revive" "the French Society of the Cincinnati," disclose the grave fault of mistaking the French Meeting organized under the Amended Institution of 1784, for a French Society organized under the Original Institution of 1783. Until authorized by the Amended Institution, no Meeting of the Cincinnati existed in France. The letters of the General Meeting with the sanction of Gen'l Washington (Note 7) the President-General and its presiding officer, are to that effect, when returning to the French gentlemen their "petitions" and "claims" addressed to its favor for relief, as "*now*" within compass of the power, which a French Meeting permitted by the Amended Institution, placed in their hands. The claimants who as "the hereditary "representatives of the Original Members of the Society "of the Cincinnati in France," demanded "an approval "by the General Meeting of 1887," of the "reconstitution" of the "Society in France," under the denomination of "the French branch of the Society of the

"Cincinnati," evidently confused the spurious Institution of the Cincinnati which provided for one, with the genuine Institution of 1783 which provided for none.

A similar error occurs in the statement of the Secretary-General (Note 8) that the "original French Society," the evidence of whose existence he derives from a signature of Louis XVI in 1792, and whose final disappearance he imputes to the "Reign of Terror," was an "original French branch of the Society of the Cincinnati" organized under the Institution of 1783, and not the original French Meeting of the Cincinnati organized under the Institution of 1784, as significantly denoted by the unimpeded sequence of the royal signature of 1792, directly from the organization under the Amended Institution of 1784, the only Meeting of the Cincinnati ever organized in France. Into this blunder the General Meeting of 1887 was plunged bodily—*nemine dissentiente*.

The error which mistakes a Meeting of the Cincinnati in France of synchronous birth and decease with the lifeless Institution of 1784, for a French Society appointed by the Institution of 1783, is the cardinal error which infects every effort to revive an ephemeral Meeting long since extinct.

The Society, from its institution in 1783, was coveted by the French Officers. In France it was held in higher distinction than here. (Note 9.) Though generally favored by the American Officers, some refrained because of its anti-democratic tendency. Far different however was its consideration by the foreign officers who eagerly solicited its *insignia*. (Note 10.)

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Note 8. Minutes General Meeting, 1887, p. 20.

Note 9. "The French Officers bore about the mark of their distinguished gallantry \* \* \* In fact our allies looked upon the Society as created entirely for their own distinction; and such is the account that Rochambeau himself gives in his Memoirs."

Alex. W. Johnson, Sec'y-Gen'l. Memoirs, Penna. Hist'l Soc., vol. VI, p. 34.

Note 10. By the Original Institution the French Officers became *life* members, and by the Amended Institution *regular* members, without matriculation on the Rolls of either. They applied not for admission to the Society, but for its "Order," which signified in the then current diction, its Eagle and Ribbon. Thus, Viscomte de Noailles, a violent Jacobin, and presumably the ancestor of the Viscomte de Noailles, who as one of the French representatives, applied to the General Meeting of 1887 "for the reconstitution of the French branch Society of the Cincinnati," urged Gen'l Washington April 24, 1790, for the favor of "the order" of the Society for the French Officers under his (the General's) command, and that those who served under Rochambeau, and those of Lauzun's Legion be permitted to bear the Order.

Alexander W. Johnson, Sec'y-Gen'l. Memoirs, Penna. Hist'l Soc., vol. VI, p. 46.



On the breasts of the most distinguished nobles of the French Army gleamed the Eagle of the Cincinnati at the side of the Grand Cross of the Military Order of St. Louis. In Europe the badge of the Order was constantly worn in public, but in this country, in accordance with "the sense" of the members of the Triennial Meeting of 1784, only on occasions commemorating the Society, *or at the funeral of a deceased member.* (Note §.)

The numerous applications from abroad which previous to the Amended Institution besieged the Society in America with "claims" and "petitions," were returned with the information that "no claims will in future be determined in the general meeting \* \* \* the meeting of the Society in France being *now* distinctly considered in all respects as of the same authority as the State Societies. (Note 11.)

A conclusion quite at variance with that of the General Meeting of 1887, is borne on the record of the General Meeting of 1863. (Note 12.) "The Committee "on the descendants of French Officers *who served in the Army of the Revolution* now asking to be admitted "members of the Society made a verbal report. On "motion of Col. Sever the subject was indefinitely "postponed." The appeal to the General Meeting in America by the descendants of the French Officers, who having served in the Army of the Revolution, were eligible as regular members, is instinct with a knowledge that the defunct Society in France was incapable of resuscitation, strangely in contrast with the ignorance of the descendants of the French Officers who had served in the Army of Rochambeau, that the Society they asked to be revived, had been placed beyond reach of resurrection by the extinction of the Amended Institution, on which its life depended.

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Note §. Memoirs, Penna. Hist'l Soc., Supra, p. 115.

Note 11. Minutes General Meeting, 1887, pp. 19-20. The archives of the General Meeting are understood to be replete with a correspondence with the principal characters of the time in this country and in France. The members of the Society are as ignorant of it, as they were of the history of the Society till the publication of its minutes. They are entitled to this knowledge; and should see that a committee be charged with the examination of the correspondence and other papers, with a view to their publication.

Note 12. Minutes General Meeting, 1863, p. 166.

The transfusion of Cincinnati membership through the State Societies of America, by their inter-State migratory members, denotes them in their unity "the one Society of the Cincinnati," to the exclusion of an assumed Society in France.

The consideration by "the Society" of the French gentlemen as members, was its grateful gratuity of generous compliment to invaluable auxiliaries. The constituent Convention having made the control of the membership of the Society, the supreme prerogative of the State Societies, to impute to its members as a *Society* the exercise forthwith, of a power by them as a *Convention* but a moment before conferred exclusively on another, *were to convict the Founders of flagrant self-stultification.*

This sequence of enumerated instances was effectively summarized and definitively affirmed by the General Meeting, when in 1860, at the written request of the Comte Maurice du Parc "to be received a member, in right of his uncle the Comte du Parc Coatrescar, one of the French Officers of the rank of Colonel, whom the Society *considered* as members," five states in Triennial Meeting "Resolved—That "a respectful answer be made by the Secretary-General to M. du Parc, stating that the applicant is "not according to the Institution of the Society, "entitled to membership." (Note §.)

Decisive however, as are the facts, and imperative the circumstances which expose the chimera of a Society of the Cincinnati in France, disquisition must cease and discussion end, in the presence of the mandate of the Institution which, in the words: "From the *State lists* the Secretary-General *must* make out at "the first General Meeting, *a complete list of the whole "Society,"* inexorably precludes a French Society from the components of the Cincinnati, and forbids to the French Officers the right of regular membership. (Note 13.)

But to defective authority has been summoned extraneous aid. What the Institution denies the General Meeting affirms. The mistake of recognizing a Society of the Cincinnati in France by the General Meeting of 1887, has been enforced by an effort to convert it into a *State Society*. (Note 14.) The conversion, if harmless as the act of a scribe, when officially approved, assumes the guise of a precedent. But precedents, though of

Note §. Minutes General Meeting, 1860, p. 154.

Note 13. The revival of a Society that never existed, entered upon the Journal of the General Meeting tarnishes its fair escutcheon and should be rescinded.

Note 14. Proceedings General Meeting, 1887, p. 17, 1890, p. 62. 1893, pp. 109, 142.

avail in the absence of written Constitutions, are of none when opposed to charter rights. Nugatory therefore when in conflict with the authority of the Institution, the proceedings of the General Meeting nevertheless thwart the effort.

On the 10th of May, and previous to the adoption of the Amended Institution, letters were read in the General Meeting of 1784 from Brig.-General Armand, from Major L'Enfant and from other French Officers original members of the Society (Note 15), requesting that a representation be given them in the Meeting. The letters having been, on the 14th referred to a Committee of three corresponding with three of the Committee who reported the Amended Institution, and with two of the Committee who reported the Circular to the States; and these Committees having reported concurrently on the 15th, unquestionably the reply bore the answer to their request, signified by a Meeting in France recently authorized by the Amended Institution with representation coordinate with that of the State Societies in America,—as was evidently intended by the order of the Meeting when the letter of General Armand was read, that it lie on the table till the report of the Committee to whom the report of “the Committee of revision of the Institution is committed, “shall be received.” (Note 16.) While exposing the heresy of identifying a Meeting in France with a Society of one of the States in America, the request establishes that *not even a French Society* was understood by the French Officers who were original members of the Society, to be authorized by the Original Institution.

That a State Society in France was contemplated by the Founders, or recognized by the Institution, is an error. The State Societies are native to the States of the Union. Their duties to the unfortunate of their members, practicable to them, are simply impossible to a Society in France. A sketch of its consequences is not destitute of alarm. Within its prerogative, foreigners admitted and Americans expelled.

Note 15. Sargent's Journal. Penna. Hist'l Soc., Memoirs, Vol. p. 98. Minutes General Meeting, 1784, p. 11.

Note 16. Minutes General Meeting, 1784, p. 11.

would doubtless be embraced. Not only would its representation impress the councils of the General Meeting, but its constitutional negative would effect a Gallic control. The Institution of American Fathers would fall under European sway; and the halls of the Society, garnished with the Coronets of a titled nobility, would resound to the roll call of Comtes, Viscomtes and Marquises, radiant with the heraldic blazon of armorial ensigns.

#### X. THE CIRCULAR OF THE RHODE ISLAND SOCIETY.

It was not till long after its date and distribution, that I was honored with a copy of the Circular Letter of the Society of the Cincinnati of the State of Rhode Island and Providence Plantations, issued from the State House at Providence, June 13, 1893. Though attested by the *hand* of its Assistant Secretary, its utterance unmistakably is the *voice* of its Secretary. It is trusted therefore, that where no slight is intended, no affront will be felt, if regardless of the *hand*, the Society be respectfully recognized by its *voice*.

The mistakes of the Secretary are many. The correction apposite to each will be effectively facilitated by a recurrence to the facts whose misconception constitutes the source nearly of them all.

On the 4th of May, 1784, the General Meeting first convened at the City Hall in Philadelphia. Its proceedings thence at its various adjourned sessions, were under the Original Institution, by whose direction they had assembled, until the 13th of the month, when they avowedly discarded the Institution under which they had been acting, and agreed that the Amended Institution which they had adopted, *should be "the Institution by which the Cincinnati shall in future be governed."* From that date their proceedings to the year 1800 conformed to that agreement when its repudiation by the State Societies constrained its official recantation in the recorded declaration "that

“the Institution of the Society of the Cincinnati remained as it was originally proposed and adopted by the Officers of the American Army at their Cantonment on the banks of the Hudson River in 1783.”

From the 19th of June, 1783, General Washington by request officiated as President, to the 4th day of May, 1784, when by similar request, he presided over the first General Meeting; nor was it till the 15th of the month that he was formally elected President-General under the Amended Institution. Though to the 13th of May, 1784, he acted officially under the Original Institution, from that time through the term of his life in 1799, all his official acts are referable directly to the *Amended Institution*, whose adoption he urged, and on which his acceptance of the Presidency depended.

The affiliated members of the Society, either regular, honorary, or for life, are accurately styled *members*. As such, till recently, they have indiscriminately been certified by the Diplomas of the Society; and as such have they been indiscriminately appointed to the common duties of all.

Neither time nor space suffices for a prolonged discussion of the faults and fallacies with which the Circular of the Rhode Island Society abounds. Sundry of them nevertheless, are entitled to notice.

The statement that the Institution was adopted either “May 10th, 1783,” or “May 10-13, 1783,” is erroneous. The record reads: “The proposals being fully considered paragraph by paragraph, and the *amendments* agreed to,” a committee was named “to *prepare* a copy (of the Proposals and Amendments) “to be laid before this assembly at their next meeting “to be holden at Major-General Baron de Steuben’s “quarters on Tuesday, *May 13th inst.*” *At that Meeting* “the copy” of the Proposals modified in accordance with “the amendments previously, agreed to,” was laid before the assembly, and was accepted by them as “the plan for establishing a Society.”

It is a rule familiar to those conversant with the Law of Public Assemblies, that the vote in favor of an

amendment offered to a proposition, is but an agreement that the proposition thus amended instead of its original form, shall be the question to be considered, and which if affirmed, constitutes the passage of the proposition as amended.

The Institution conceived by Gen'l Knox, April 15, 1783, having been by him submitted to the General Officers of the American Army, and to the officers who represented "the several regiments of the (State) lines" to whom it had been previously "communicated"; and the *amendments* proposed thereto, after full consideration, having been "agreed to," a committee was appointed to "*prepare*" a copy thereof with the Amendments incorporated, for the consideration of the Assembly at its next meeting at General Steuben's quarters, where the Institution as *amended* was ADOPTED ON THE 13th OF MAY, 1783. (Note §.)

The Baron von Steuben as presiding officer of the Constituent Convention, reconvened the *Convention* on June 19th, 1783, and not as stated "the *general meeting*," which was not organized till a year afterwards on the 4th of May, 1784. It was not "the general meeting" but "the Convention for establishing the Society of the "Cincinnati" which "at the request of its President." assembled on the 19th of June, 1783; and which having "*accomplished*" the principal objects of its appointment, *its members* dissolved "the same." It is self evident that "the General Meeting" of the Society, has no power to alter or amend the Institution which created it. The misstatement therefore, that the body reconvened by its President-General Steuben, June 19th, 1783, was the "general meeting" is not only exposed by the immediately ensuing words of the Secretary, "That this meeting is particularly noticeable, because it "*altered and amended* the Institution as adopted May "10th, 1783," but is contradicted by the *record* that declares it "a Meeting of the General Officers and the "gentlemen delegated by the respective regiments AS "A CONVENTION for establishing the Society of the "Cincinnati held by request of the President."

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Note §. See Knapp's Life of the Baron von Steuben, pp. 555-556.

The "New Public Building" to which the Secretary refers as the place of assembly of the Constituent Convention, was the building at New Windsor on Hudson's River designated "the Temple." "The Temple" having been struck by lightning a few days previous to the 19th of June, 1783 (Note 1), it was impossible that Gen'l Steuben could have reconvened the Convention on that day at "the New Public Building." (Note 2.)

It is erroneously alleged that "the Institution thus established provided that it should be subscribed to by the General Officers, and by the Officers who had been delegated to represent the several corps of the "Continental Army." It is not a provision of the Institution, but a direction of "the Society" subsequent to the adoption of the "*foregoing Institution*."

The effort is fruitless to supersede the paramount authority of the Organic Law, with the appearance among its subscribers of names not entitled to its franchise and unadapted to its exactions. Whether to comrades in arms, or to whatever other consideration this breach of the Institution is due, it is of as little effect, as is the admission by State Societies of applicants to the Roll of *regular* membership in succession of *honorary* members; as ineffectual to annul it, as have been its violations by the General Meeting; and as absurd as would be a contention that the infraction of a law is its practical rescission. (Note 3.)

The reasoning is erroneous which, in the names of two officers of the "French Corps of Engineers" sub-

Note 1. Winthrop Sergeant. Memoirs, Penna. Hist'l Soc., Vol. VI, p. 60.

Note 2. A Monument has been erected on Temple Hill, New Windsor, on Hudson's River, on a Tablet of which an inscription furnished by the New York Society of the Cincinnati records that "On this site the Society of the Cincinnati was born May 10, 1783." On that day, and at that place the Institution of the Cincinnati was considered and prepared. On the following 13th of May, 1783, it was adopted at Major-General Baron von Steuben's quarters. It were as well to refer nativity to conception or gestation, as to designate the place where the consideration of the Institution of the Cincinnati proceeded, the place where the Society was born.

Note 3. On Thursday, May 13th 1784, the report of the Committee on the alterations and amendments of the Institution being under consideration, the General Meeting affirmed the officers of the individual State troops to be parties to the Amende l'Institution, notwithstanding that part of the first clause of the second paragraph, which limited the right to officers of the Army and Navy of the United States. (Sargent's Journal. Memoirs, Penna. Hist'l Soc., Vol. VI, p. 104. Minutes General Meeting, 1784, p. 12.) But the restriction by the Original Institution of the members of the Society to the officers of the *American Army*, constituted of the regiments of the respective State lines, to the exclusion of the officers of the individual States, has never been altered or released.

scribed to the Original Institution, among those of officers of the American Army, suggests the inference that officers of the French Army were recognized as regular members of the Society. That foreign officers "*considered*" by "the Society" as life members, were permitted to sign among the regular members of the Society, is the only significance which attaches to the signatures of all members alike.

The record asseverates that the Institution was established by the representative "officers of the respective lines of the several States" of which "the American Army" was composed, to the confusion of the dogma that "Therefore the Society of the Cincinnati was *not* established by the Continental lines of "the States;" and in verification of the fact that it *was* thus established,

Surely size is not the measure of representation; but if so, the American Officers who in numbers, subsequently ratified its acts, sufficiently authenticate it. Therefore, if "in the formation of the Society of the Cincinnati" "\* \* out of the thirteen State lines "of troops on the Continental establishment," instead of "*four*," but *one* had "assisted," its representative action would have been obligatory on all, especially when ratified by all.

If it is true that "State Societies of the Cincinnati" "had nothing to do with the organization of the General Society," the converse is equally true that the General Meeting had nothing to do with the organization of the State Societies. They both within the *casus Foederis*, or terms of compact, were synchronous creations of "the officers of the American Army" of "the several State lines," with specific rights conferred on both, but none reserved to either. In neither, anterior to its creation, as in the States of the Union prior to their Confederacy, did rights inhere, but in both, their inception was connate with the Societies that claim them. It may therefore be thought derogatory



to a State Society, with jurisdiction of "the principles" of the Institution joint and coordinate with that of the General Meeting, to proffer itself, a subordinate "branch" of the Society.

It may or may not be true that "there is no analogy "between the organization of the government of the "United States under the Constitution, and the organization of the General Society under the Institution;" but between the organization of the government of the United States under the Articles of Confederation of 1778, and the Institution of the Cincinnati Society of 1783, the analogy is strong and binding.

The Secretary, when attributing to "the (General) meeting" the *sole* jurisdiction of the principles of the Society, apparently regards as of little importance the fact that the power is *jointly* and indissolubly blended with that of "the meetings" of the State Societies; and that measures to promote them must invariably be joint.

The office claimed for the General Meeting "to SUPERVISE the several branches or State Societies," is a definite claim of the office of a *superintendent* to look into the conduct of others, with power only to see that order is preserved; and to report delinquency, without the power of correction. But if otherwise, and as contended, an office of sole executive power of approval and reversal, under the grant of a power to adopt "the "best measures that shall conduce to the *general* "intendment of the Society" expressed in its *joint* jurisdiction with the State Societies,—the proposition that one of two *joint* depositaries of a power, may subject its coparcener to its *sole* control, requires an ability to maintain, more vigorous even than the dialectics summoned to its support; *or if admitted, would reduce the Institution to a glaring contradiction in terms.*

The first "General Meeting" was ordered by the Society on the 13th of May, 1783, immediately after the adoption of the Institution, when the *Society* forthwith adjourned *sine die*. Certainly, it was not *then*

thought by the Founders that their work was unfinished. No evidence is yet discovered, in contradiction of the completeness of the work of the Convention asserted by its words "That the principal object of "its appointment being thus accomplished," besides the Secretary's statement, that it "was contemplated "and intended to recast the Institution in the general "meeting of 1784, so as to incorporate the resolves of "June 19, 1783." Though these resolves were adopted as stated, "under the necessity of some temporary "arrangement," a sense of their *permanent sufficiency* was impressed upon the *appeal* made by the members of the Convention "to the candor of their Constituents," to make allowance for the "measure"—an appeal answered by the ratification of "the measure" by every State Society subsequently organized. But independently of these considerations, the assumption that it was contemplated and intended to "recast the "Institution in the meeting of 1784 so as to incorporate "the resolves of June 19th, 1783," adopted under "some temporary arrangement," is refuted by the declaration of the Meeting itself in its Circular to the State Societies (Note \*) that "the alterations and "amendments" agreed to and thought material were "That the hereditary succession should be abolished; "that all interference with political subjects should be "done away; and that the funds should be placed "under the immediate cognizance of the several "legislatures who should also be requested to grant "Charters for more effectually carrying our humane "designs into execution;" it is resisted by the "in-" "expressible pleasure" of the General Meeting of 1790, conveyed by its Circular to the State Societies (Note †) "to find that the unreasonable and illiberal "clamor which at one moment had been excited "against our institution has totally subsided;" it is rejected in their letter to the Senior officers and others of the Cincinnati in France,—“Our decision was influenced by a conviction that something contained in

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Note \*. Minutes General Meeting, 1784, p. 17.

Note †. Minutes General Meeting, 1790, p. 45.

"our original system, might eventually be productive of consequences which we had not foreseen, as well as by the current of sentiments which appears to prevail among our fellow citizens" (against Primogeniture); (Note \*) and it is contradicted by Gen'l Washington who, when opening the business of the Meeting, directed its attention to the "exceptionable parts" of the Institution that summoned them together, and "that required alteration in their very essence," viz.—"the hereditary part—interference with politics—honorary members—increase of funds from donations." (Note 4.)

The official action of the Constituent Convention on the 19th of June, 1783, was confined *first*, to a Resolution of acknowledgement to his Excellency the Chevalier de la Luzerne "of the honor done to the Society by his becoming a member thereof." *Secondly*, to a Resolution substituting for the "medal of gold" "the Eagle," as "the Order of the Society;" and, *Thirdly*, to a Resolution requesting his Excellency the Commander-in-Chief to officiate as President-General of the Society until the first General Meeting to be held in May, 1784; and appointing and requesting Major-General McDougall, as Treasurer-General, and General Knox, as Secretary-General, "to officiate in like manner." While the first of these acts—in need of no recasting—derides codification; and the second, as a rescript of the Constituent Convention exceeds the power of the General Meeting either to "codify" "remodel" or "recast;" the request by the third, of a President-General, a Treasurer-General, and a Secretary-General to officiate as officers of the General Meeting, until the time of its organization in the succeeding May, denotes unmistakably "the necessity of some temporary arrangement previous to the first Meeting of the General Society," to have

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Note \*. See Letter, p. 96-97.

Note 4. Washington "proposed as the most exceptionable parts and that required alteration in their very essence the following viz.—the hereditary part—interference with politics—honorary members—increase of funds from donations." If not for connection with distinguished Foreigners, he would have proposed to abolish the order altogether. But considering that connection, "if a middle course could be adopted, which he doubted to be possible, and on full investigation it should appear so, he was determined at all events to withdraw his name from amongst us."—Sargent's Journal. Memoirs. Penna. Hist'l Soc., Vol. VI, pp. 81, 82. See also James Fairlie to Benj. Walker in Note 5 on p. 53—Knapp's Life of the Baron von Steuben, p. 567.

been understood by the Convention to be the single necessity of supplying temporarily with officers, a body whose organization was appointed for the future. That the "necessity of some temporary arrangement" referred to this appointment of *ad interim* officers, is corroborated by the opinions subsequently of Commentators (Note \*).

When General Washington, the officiating President of the meeting of 1784, opened its proceedings with an expression of the opposition of *Virginia and of other States* to the right of primogeniture, and with a proposal of radical alterations in the Institution, *the first order of business* was a roll-call of the States present, for a report of their attitude towards the Society, when it appeared that in all, save New York and Georgia, public opinion was substantially adverse to it (Note †). As it is impossible that any business *could have preceded the first order of business transacted*, the allegation of the Secretary is gratuitous, that "when the General Meeting began, however, to remodel or codify the Institution, so as to make it exact in detail, and thus more clearly express the intent of the Founders \* \* \* , General Washington proposed *organic alterations and amendments*, changing the *character* of the Institution, etc."

Neither is it strictly true that the general meeting of 1784 "was brought with reluctance to acquiesce in the proposals" of Gen'l "Washington to effect *organic*

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Note \*. "Under its (the Institution) regulations, the first General Meeting was not to be held until May, 1784, and a meeting of persons properly authorized, was therefore held on June 10, 1783, to choose temporary officers." (Memoirs, Penna. Hist'l Soc., vol. VI, pp. 65-66.)

Note †. "General Washington, President-General, and General Knox, Treasurer, begged leave to resign their offices. The President was then requested to resume his seat, as a temporary appointment for the whole business of this General Meeting: and Major Turner was desired to attend to the duty as Secretary—after which we resolved ourselves into a committee of the whole Colonel Ramsay in the Chair, and the Institution was read agreeably to the general resolution. The President then arose—expressed the opposition of the State of Virginia and other States—observed that it had become violent and formidable, and called for serious consideration—desired of the members of the several States to declare the ideas which prevailed in their countries with regard to our Institution, and the various manners which they had pursued to obtain this knowledge \* \* (Roll call of States) \* \* The President-General arose and acknowledged the information from all the States—endeavored to prove the disagreeable consequences which would result to the members of the Cincinnati from preserving the Institution in its present form—illustrated the force and strength of opposition to it in a variety of examples, supported by his own knowledge, and information from confidential friends—proposed as the most exceptionable parts and that required alteration in their very essence the following, viz.:—the hereditary part—interference with politics—honorary members—increase of funds from donations," etc.

Gov'r Sargent's Journal, Memoirs, Penna. Hist'l Soc., Vol. VI, pp. 78-79-81-82-83. Minutes General Meeting 1784, pp. 6-7.

"alterations and amendments" in the Institution. The Meeting assembled beneath the fury of a popular tempest raging against the Society. Gen'l Knox wrote Gen'l Washington February 21, 1784, "The idea is it (the Cincinnati Society) has been erected by a foreign influence to change our government" \* \* \* "The Hereditary principle is obnoxious." (Note †.) The pressure against the Society forms no inconsiderable page in the annals of the time. The opinions of both Washington and Lafayette were unfavorable. A hostile Congress threatened its extinction. Both this country and France reverberated with the peal of the storm. It beat upon the closed doors of the Meeting, and fell upon its members in alarm. Their first order of business was a roll call of the States, upon which it appeared that public opinion in all, except New York, and Georgia (Rhode Island not being then represented) was opposed to the principle of primogeniture. (Note ‡.) Under a precipitation of unexampled menace and apprehension notoriously was it, that the first General Meeting of 1784 abandoned the principle of primogeniture, and agreed to "be governed" by an emasculated Institution.

The General Meeting of May 15, 1784, did not as alleged "cause to be signed in open meeting by President-General Washington and transmitted by him to the several State Societies *and to the Society in France*" the Circular Letter alluded to by the Secretary; nor did General Washington "on behalf of the general meeting" appeal to "the several State Societies and *the Society in France*, for the *ratification*" of "the altered and amended Institution of 1784" and recommend its "adoption." No Circular was addressed to a French Society. The only Circular letter approved, was addressed to the *State Societies alone*, and was ordered to them *alone* for their *ratification* of the amendments and alterations proposed to the Institution. On the 17th of May "a draft of a letter to the Senior Land and Naval Officers and others, members of the Cincinnati in France, reported by the Committee who

Note †. Sargent's Journal. Memoirs. Penna. Hist'l Soc., Vol. VI., p. 72.

Note ‡. Sargent's Journal, Supra, pp. 82, 83.

on the 15th had reported the Circular to the State Societies, was read and approved, and a transcript thereof ordered "to be signed and transmitted by the President." Both the minutes of the meeting and the Journal of Gov'r Sargent bear this record. (Note §.) The letter however, omitted in the minutes, appears in the Journal. That the Circular communicating the reasons of the meeting of 1784 for the amendments and alterations of the Institution, for "the ratification" of which they appealed to the *State Societies*, and whose "adoption" by them they recommended, *was addressed to them alone*, and that but a copy thereof was transmitted to the Meeting in France "FOR THEIR INFORMATION," accompanied with a copy of the Amended Institution, the letter discovers in the following words:—"From "the General Meeting in Philadelphia on the first "Monday in May, 1784: To the Senior Land and "Naval Officers, and others, members of the Cincinnati in France,—Gentlemen: We, delegates of "the Cincinnati, having judged it expedient to make "several material alterations and amendments in "our Institution, and having thought it our duty to "communicate the reasons upon which we have acted "*in a Circular addressed to the State Societies*, do now "transmit FOR YOUR INFORMATION *a transcript of that "letter*, together with a copy of the Institution as revised and amended." (Note 5.)

We have the authority of the Secretary-General at page 109 of "The Proceedings" of 1893 of the General Meeting, that the Count D'Estaing was the President of "the French *State Society of the Cincinnati*"—a distinction appropriate in an assembly of *Honorary* members of the Cincinnati, to an Admiral of the French Navy, himself an honorary member of the Society; but anomalous and quite improbable in a Society of its regular members including among them the chief of them all—the Marquis de la Fayette.

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Note §. Minutes General Meeting, 1784, pp. 15, 16, 21. Sargent's Journal. Memoirs, Penna. Hist'l Soc., Vol. VI, pp. 105, 111, 112.

Note 5. Gov. Sargent's Journal. Memoirs, Penna. Hist'l Soc., Vol. VI, pp. 105, 111, 112.

See Appendix B for letter, p. 96.

The words of General Washington, the President-General, cited from his communication of *May 17, 1784*, to the Comte de Barras, "The Institution as *NOW amended and published*"; and the words cited from his letter of *June 2, 1784*, to the Marquis de Chastellux referring to the Circular letter sent by him to the Count d'Estaing, which "he expected would be submitted to "the members of the Cincinnati in France," furnish in their dates additional evidence that from the 13th day of May, 1784, the time from which it was agreed that *the Amended Institution should govern the Cincinnati*, not only all the proceedings of the General Meeting till May 7th, 1800, but all the official action of General Washington during his life its President-General, was under and by virtue of its authority and direction; and that during that time, every reference made to a Society in France, was to a Society of an assumed existence.

The officers of the American Army combined into "one Society of Friends" who "denominated *themselves*" and their eldest male representatives in succession forever, "The Society of the Cincinnati;" and their registered aggregate in their respective States are "The Society." The State lists of the members, the Institution declares to be "*a complete list of THE WHOLE OF "THE SOCIETY.*" They form the State Societies, which in turn are represented every three years in a General Meeting of vicarious power, and of intermittent duration. It is a misconception that the Cincinnati Society is represented exclusively by "the General Meetings." Before "the General Meetings" were, "the Society" was. Immediately upon the adoption of the Institution in 1783, the Founders proceeded as "The Society;" and when they appointed the time for "*the first general meeting*" of delegates from State Societies not yet in existence, they designated the *first Monday in May, 1784*, as the day of its birth. Its members are "the Society," organized under two forms; the one the State Societies, and the other the General Meeting—the first *primary*, in structure of the members themselves, and the last *secondary*, of derivative power from them. Each organ-

ization, in its designated form, represents the Society of the Cincinnati—the General Meeting, in the *sole supervision* of its general interests, and the State Societies in their *joint jurisdiction* with the General Meeting, of its fundamental principles.

*The Officers of the American Army*, represented by The Societies of the States, and not “*The Meeting of the General Society*,” the Institution pronounces “*The General Society of the Cincinnati*.”

The following paragraphs of the Institution define in their ordinal sequence the two different organic bodies of the Society.

*First*.—“To perpetuate therefore the remembrance of this vast event (*the establishment of free, independent and sovereign states*) as the friendships which have been formed, etc. \* \* \* *the Officers of the American Army* do hereby in the most solemn manner associate, constitute and combine themselves into one Society of Friends, to endure as long as they shall endure, or any of their eldest male posterity, and in failure thereof, the collateral branches, who may be judged worthy of becoming its supporters and members.

“*The Officers of the American Army*, having generally been taken from the citizens of America, possess high veneration for the character of that illustrious Roman, LUCIUS QUINTIUS CINCINNATUS; and being resolved to follow his example by returning to their citizenship, they think they may with propriety *denominate themselves* the Society of the Cincinnati.”

*Second, and before the creation of “The General Meeting.”*—“The General Society will, for the sake of frequent communications, be divided into State Societies, and these again into such districts as shall be directed by the State Society.”

*Third*.—“*The Meeting of the General Society* shall consist of its officers and a representation from each State Society, in number not exceeding five, whose expenses shall be borne by their respective State Societies.”



*Fourth.*—"In the *General Meeting* the President, Vice-President, Secretary, Assistant-Secretary, Treasurer, and Assistant-Treasurer-General, shall be chosen "to serve until the next meeting."

In but two instances prescribing the time of its annual meeting, and appointing the use of its probable donations, *is the Meeting of the General Society* referred to by the Institution as the *General Society*—the "*Meeting of the General Society*" in its six applications, and the "*General Society*" in its two, interchangeably used by the Founders to designate the one body of the members of the State Societies, as "*The General Society of the Cincinnati*." Thus, doubtless, originated the ambiguity of the terms, and their consequent confusion in both cursory and technical phrases. The words, however, which reflect the sense and express the meaning of the Institution, are the dominant words of the two enacting paragraphs which institute the body, and direct it to be organized as "*The Meeting of the General Society*."

When the Constituent Convention *denominated* "themselves the *Society of the Cincinnati*;" and as "The Society," upon their adoption of the Institution May 13, 1783, having prescribed directions for the organization of the State Societies, *Resolved*, "That the General Officers, and the Officers delegated to represent the several Corps of the American Army, subscribe to the Institution of *the General Society for themselves and their constituents*, in the manner and form before prescribed," they unequivocally pronounced themselves *The General Society*; and distinguished it as "The Society," from the first "*General Meeting*" of delegates from the State Societies which they appointed to be held on the first Monday in May, 1784; and when, on the 19th day of June thereafter, the same body in Convention "*Resolved*, That "his Excellency the Commander-in-Chief be requested "to officiate as President-General until the first *General Meeting* to be held in May next;" and "under the "necessity of some temporary arrangement previous

"to the first Meeting of the General Society," ballotted for and appointed a Treasurer-General and Secretary-General *ad interim* officers, they exercised the functions of "*The General Society*."

Here, plainly, are two different bodies of two different names: the one, *the body of American Officers* the members of the Society of the Cincinnati residing in America, designated "*The General Society*;" the other, a convocation of their representatives, designated "*The Meeting of the General Society*."

*The Officers of the American Army*, having established themselves "*The Society of the Cincinnati*," became the *General Society, or the Society at Large*. For the sake of frequent communications they divided themselves into Societies of the States; and "to perpetuate the remembrance of the vast event" of the "free independent and sovereign States" of America, they constituted them, in the words of Chief Justice Marshall, "*distinct Societies*," and invested them with independent and sovereign powers. Possessing the attributes of Sovereignty, their necessary unity of action was provided for and secured in a subsequent paragraph. Hence, the appointment of a Meeting of their representatives, and its organization as "*The Meeting of the General Society*," *i. e.* of the State Societies, into which the General Society of the Officers of the American Army had been divided, with independent and sovereign powers. Though destitute of the plenary powers of the State Societies, yet as a meeting of their representatives *the Meeting of the General Society* was admitted to a joint care with them of the principles of the Society, and was charged with the supervision of *its general interests*, according to the "*general intendment*" of the Institution.

*While the feasibility of a division of the aggregate members of the Society of the Cincinnati into Societies of the States in which they resided, affirms it; the impossibility of a division of five representatives from each of the State Societies, into the Societies that delegated them exposes the absurdity of the contention.*

The analogy is not therefore illusory, between the members of the General Society, or Society at Large of the Cincinnati, in conjunctive legislation within their Sovereign State Societies, with their representatives in "*the Meeting of the General Society*," and the representative body of the United States Government in co-operative legislation with its Senate of Sovereign States—the People, the *Government* in the one, and in the other, its members, *the Society*. Nor may the conjecture be thought extravagant, that as the Society of the Cincinnati was inspired by the Articles of Confederation of 1778, so the Senate of the present Federal Constitution representing the States of the Union, is, however remotely, traceable to that feature of the Institution of the Cincinnati, which supplies in "*The Meeting of the General Society*," a representative body of the State Societies. (Note \*.)

The allegation is untrue that "the General Society" was denominated "the Society," and the societies in the several States, with their "prescribed officers, were designated 'State Meetings.'" "The Society" is resolved by the Institution into two conjugate organizations—the General Meeting and the State Societies; and the bodies, by the Secretary termed "Societies" which, with their prescribed, officers are averred to have been designated "State Meetings," the Institution thoroughly furnishes as "State Societies," and uniformly nominates them such. (Note §.)

The Journal of the General Meeting is a repertory so replete with conflicting and contradictory measures, and with expedients so various of meetings *uniformly in want of a quorum*, to avert danger either fancied or real, that it invalidates the allegation that "The General Society, under the plenary power just mentioned, has "always exercised the right to construe and interpret

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Note \*. The body of the Institution composed of delegates from the State Societies, instead of "The General Society," should be entitled either "The General Meeting," or "The General Meeting of the Society," as named by the Founders, as pronounced by Chief Justice Marshall. (Marshall's Life of Washington pp. 26-301) and as uniformly designated by its "Proceedings" till 1800 and occasionally thereafter.

Note §. By the Amended Institution, however, they were termed "State Meetings," subservient as parts of "the Society" to its uses.

Minutes General Meeting, pp. 13, 14. Amended Institution, Secs. 4, 5, 6, 10, 12.

“the Institution.” (Note §.) But if true, its fallacy renders it unavailable as authority. Precedent strikes no root in the violation of Charter law. If otherwise, both the Annual and the Triennial meetings were abolished; (Note 6), Primogeniture abrogated; (Note 7) State Societies created in every State in the Union; (Note 8) a Society of the Cincinnati established in France; (Note 9) and the Society itself finally extinguished by the interjection of an Amended Institution. (Note 10.)

In support of “the plenary power” of the General Meeting “to construe and interpret” *the original Institution*, the Secretary cites an entry affirmative of that power, in the minutes of the proceedings of the Meeting on May 13th, 1784, in the following words:—“Thus on May 13, 1784, a question having arisen “whether by a construction of the principles of the “Institution, such officers of the State troops as have “served three years can be admitted as members “—Resolved in the affirmative.” An important part of the minutes of the General Meeting, is omitted from this extract, which deprives it of its attributed force. The entry reads, “Thursday May 13th—Met according “to adjournment—*Proceeded on the order of the day*, “*a question having arisen*,” &c. On the preceding day (Wednesday the 12th of May) the Amended Institution being considered by the meeting, it resolved “that the further consideration of the report of the “Committee of five be postponed until to-morrow.” The “*order of the day*” therefore on the morrow (the 13th of May), when proceeding with the discussion in which the question arose “whether officers in the State “Troops who had served three years, could be ad-

Note §. The General Meeting at its second triennial meeting in 1787, a majority of the thirteen State Societies being present, ruled that a representation of *seven States* should be required for the transaction of business (Minutes Gen'l Meeting, 1787, pp. 25-26.) The failure of representation by any of the Societies, whether dormant, disorganized, or for whatever other cause remiss, did not abrogate this rule; and the resolution of the triennial meeting of 1820, in which but *five States* were represented (Minutes Gen'l Meeting, 1820, p. 82). “That such State Societies and “Officers of the General Society, as convened in general meeting, should be “competent to transact business,” consequently was unauthorized, and is ineffective and void

Note 6. Minutes General Meeting, 1838, p. 87.

Note 7. Minutes General Meeting, 1784, p. 13—1856, p. 140.


Note 8. Minutes General Meeting, 1820, p. 83.

Note 9. Minutes General Meeting, 1887, p. 23.

Note 10. Minutes General Meeting, 1784, p. 13.

"mitted as members," was the *Amended Institution*; and its recorded decision consequently is but the affirmative of an opinion that such officers were admissible as members of the Cincinnati *not* under the *Original Institution*, but under the *Amended Institution*, out of which the question arose, and by which it was "agreed "that the Cincinnati shall in future be governed."

The printed minutes of the Meeting are at this point fully confirmed by the more ample report in Governor Sargent's Journal as follows:—"Thursday, 13th May. "Met according to adjournment, and the order of the "day being called, the meeting proceeded to the consideration of the *Institution of the Society of the Cincinnati as altered and amended* by paragraphs severally. "Confirmed the first, made the alterations in the second "paragraph as annexed in their order on page agree- "able to their reference."

“ The opinion of the meeting was taken in regard to the admission of officers of any individual "State to be parties to the Institution of the Cincinnati, who had served in time and manner proposed; "and in the affirmative, notwithstanding that part of "the first clause of the second paragraph which limits "the right to officers of the Army and Navy of the "United States collectively." (Note 11.)

That the General Meeting is the sole judge of all measures adopted for the interest of the Society, and the sole arbiter of its fundamental principles is untenable as opposed to its sole power simply of "*supervision*" of the interests, and to its joint protectorate of the principles of the Society.

The directions of a body within the limits of its jurisdiction, are not without authority; but when in the act of flagrant usurpation, they are *brutum fulmen*. The proceedings of the General Meeting, for fifteen years under a spurious Institution, should not be explored for examples to be followed, or precedents to be observed by the members of the Societies whose constitution it violated, and whose joint-tenancy it

usurped. Though in desultory acts at irregular intervals since 1800, having recognized the Institution of 1783, which it discarded in 1784, yet its renewed usurpation in 1856, remains upon its minutes to the present day, a stigma of derelict duty.

The invisibility of the connection claimed between the vicious legislation of the Continental Congress, and "the rule of 1854," which proffered the membership of the Society to a promiscuous progeny of the officers indiscriminately of the Army of the Revolution, renders the argument advanced to its support, not only unreliable, but irrelevant. The adoption of that rule in 1856, was simply VOID. Neither General Knox who conceived, nor the officers of the American Army who framed the Institution of the Society, knew or anticipated the subsequent oppression of the Congress, nor did they act with reference to it. The generous care however, with which they provided against exceptional contingencies, happily relieved of its consequences. It is not the *causes*, but their *effects* that are contemplated by the Institution as "the extraordinary cases" excepted from its restrictive terms of membership; and whether a faithless Congress, or physical or mental or other disability, was the *cause*, the failure of the officer to observe its directions was within both the letter and spirit of the exception; and he was beyond them who, notwithstanding the depression of the Currency and Congressional delinquency, escaped the pains of indigence.

The *seal* being but the attestation of authority, and the *diploma* the instrument authenticated by it, those invested with *the authority*, are the custodians of each. The State Societies are empowered to admit members to the Society, and for cause to expel them. The proof of their authority over both seal and diploma therefore, is the proof of demonstration.

The right of the General Meeting, or of either of the State Societies, within the scope of its separate or joint constitutional power, to impress the seal of its

authority upon its acts, is unquestionable; nor less true is it that the direction of the Institution that "a diploma on parchment" shall "be given to each "and every member of the Society," is mandatory only upon the State Societies on which, with the exclusive power of making the member, was charged the duty of authenticating the honor to its recipient.

The signature of Gen'l Washington to diplomas and the use of the seal by the General Meeting, are entitled to little consideration, as the exercise of a discredited authority, assumed under an amended Institution, never acknowledged and ultimately repudiated as void.

The Institution established the Eagle as the visible token by which a member of the Cincinnati "shall be "known and distinguished," and confided to the State Societies the power of making him such. It is delusive to separate the authority which confers the dignity, from the authority to distinguish it.

That the State Societies accepted the agency of the General Meeting in "providing for diplomas and a die "and Eagle," furnishes no ground for the assertion of their voluntary subordination to its authority. Undoubtedly to the General Meeting, as to others, may be, as has been entrusted the mechanism of the Insignia of the Society; but their distribution is a function solely of the State Societies.

The order for Eagles by the general Meeting in May, 1790, under the assumed authority of the Amended Institution, is not obligatory as a precedent on the Cincinnati under the Original Institution in 1893; and there having been no General Meeting between its authorization in the May of 1783 and its organization in the May of 1784, the "appropriation of certain funds "on October 15, 1783" "in the hands of the Treasurer "General" for the purpose of purchasing the diplomas "and dies for the medals of the Cincinnati by Gen'ls "McDougall, Knox and Huntington as a committee," was the unauthorized action of a self constituted committee in the disbursement of funds devoted by the

Institution to "the further relief of the unfortunate." Doubtless, however, certain officers in behalf of the General Meeting, and the Society itself under the supposed authority of the Amended Institution, ordered Eagles from France on their own responsibility; but it is equally undoubted that the business was that of the State Societies, which by cancelling the debt, ratified the transaction to the acquittal of their agents. (Note 12.)

The omission of the Institution to provide funds for the General Meeting, except those restricted of use "to the further comfort of the unfortunate," and its consequent dependence for its expenses on the State Societies, (Note \*) establish its appeals to the State Societies to have been "the requests" of an agent, to his principal for repayment of the sums disbursed in his behalf.

Nor is it true that the General Meeting dominated the State Societies when "levying assessments" upon them. The report and the resolutions adopted by the General Meeting in 1787 under the Amended Institution, (Note 13), when stating the rule for apportioning to them their respective quotas of liability for the sums advanced by the Marquis de la Fayette, and lost by Major L'Enfant in the purchase of Eagles, "presented" in France, and for those imported by him to America, and sold to the Society, and to its members for their accommodation, as well as for the sums paid by the General Meeting for diplomas to the foreign members, and for its expenses; the resolution of the General Meeting of 1790, (Note 14) urging "an immediate payment of their quotas in the manner pointed out by the resolves of the General Meeting of the 18th May, 1787;" and the resolution of the General Meeting of 1791, (Note 15) "that the Secretary General address a letter to the several State Societies which have not paid their quotas, assigned to them

Note 12. Minutes General Meeting, 1787, p. 36, 1790, p. 43, 1791, p. 49.

Note \*. Institution and Minutes General Meeting, 1829, p. 82, *et sequitur*.

Note 13. Minutes General Meeting, 1787, pp. 32, 33, 34, 35, 36.

Note 14. Minutes General Meeting, 1790, p. 43.

Note 15. Minutes General Meeting, 1791, p. 49.



"by the resolves of the General Meeting of May 18, "1787, *requesting* that the amount be paid as soon as "possible," prove them, by the specification of their quotas and *the urgent request* that they be paid "as soon as possible," to have been an appeal to the State Societies to liquidate a debt incurred in their behalf.

The irrefutable answer however to these citations is, that they are instances under the regime of the repudiated Amended Institution, irrelevant to the Original Institution which created the Society, and under which it exists and is now conducted. "The Society," under that regime, with neither funds nor Treasurer,—its expenses, inclusive of those of its officers, were chargeable upon the funds of its "State meetings," which were obliged to defray them. (Note 16.) To a Society without revenue, no fiscal was necessary, and its "*request*" of the State meetings for their "*quotas*" of a debt incurred for expenses, Eagles and Diplomas, was no more than its requisition upon them under a power to "*distribute*" their "surplus funds."

It is equally untrue that the General Meeting arrogated the right of "levying assessments" on the State Societies for its support. The minutes of the General Meeting of 1829 record the first resolution adopted on the subject under the Original Institution in the following words: "Resolved that it be *recommended* to "the several State Societies to *contribute* on every succeeding 4th of July, \$20 each, towards the formation "of a fund *for the purpose of paying the expenses of the "Society.*" (Note 17.) Thence intermittently at its ensuing meetings, various were the methods of defraying its expenses, inclusive even of their voluntary assumption in the meeting of 1857 by the State of Massachusetts, (Note 18) and in the meeting of 1863, by the State of New York, (Note 19.) An assessment being an apportionment to each of his share of a tax or duty

Note 16. Amended Institution, Secs. 4, 5, 10, 12 Minutes General Meeting, 1784, pp. 13, 14.

Note 17. Minutes General Meeting, 1829, p. 82.

Note 18. Minutes General Meeting, 1857, p. 148.

Note 19. Minutes General Meeting, 1863, p. 168.

*previously laid by competent authority*, the ultimate expression of these desultory methods in the formula of an "assessment levied" upon the State Societies, detracts nothing from them as contributions solicited by the resolution of 1829, on which they all rest.

Independently of these considerations, which repel the assumed financial predominance of the General Meeting, the direction of the Institution that the "one month's pay" of "each officer" delivered to its Treasurer, "*shall remain FOREVER to the use of the State Society;*" and the charter right of each State Society to dispose of its self acquired funds, under its power "to regulate everything respecting itself and the Societies of the Districts, consistent with the general maxims of the Cincinnati," finally extinguish all claims indiscriminately, of a right or power in the General Meeting either to interfere with or to control its finances. (Note §.)

Two events punctuate the history of the last century—a Government of the United States in 1778, and a Society of the Cincinnati in 1783. Perpetuity was an object of both. The Government, for its inadequacy to attain it, was by the popular edict deposed for another—for its adequacy, the Society, was by the popular clamor forced to succumb. The proposal of the Federal Constitution, was the result in the one case; and in the other, the proposal of an Amended Institution. The adoption of the first, secured perpetuity to the Government; the rejection of the last, perpetuity to the Society. The event is the perpetuity of both.

The Institution of the Fathers is the unalterable birth-right of the Children. As such, the matter in question is not what it should be, but what it is. If "a rope of sand," it has effected the *perpetuity*, which the hempen cord of an Amended Institution, was intended to strangle.

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Note §. Institution. and see p. 95.

## XI. THE GENERAL MEETING.

The history of the General Meeting is fraught with lessons of weight. Its frequent intermittent intervals were the result of its errors in the past; and the contemplation is far from agreeable, of the detriment obviously inherent in its various errors now. Their catalogue, though large, is increasing, and should be diminished.

The simplicity and punctuality required, and till recently observed in the official record of its "Proceedings" are obstructed with programmes, supplemented with necrological compilations, and injected with personal opinions.

The complaints of members admitted by one State Society with the privy of their rejection by another, are neglected; and the *insignia* which decorated a Washington and a La Fayette, emblazon the breasts of pretenders.

The sanction of its "Proceedings" is permitted to a French Society annex—like poor Tray's noisy appendant, the more pitiable the more attention it attracts.

The sanction of its "Proceedings" is permitted to the consequences of "a *State* Society in France" clothed with powers co-ordinate with those of the Societies of the States in America.

It suffers to be obscured, the lines which distinguish a Society, founded by the officers and cemented by the blood of the Revolution, from the manifold organizations of epicene growth, founded in the derivative claims of a promiscuous progeny of its rank and file.

Its submersion in the influx of a miscellaneous posterity, of the right appointed by the Founders a testamentary legacy in perpetuity to the eldest heirs male of their bodies, recalls the fate of those wretched men who killed the heir, and cast him out of the vineyard.

In the solitary sphere of its assumed *sole* power, it fulminates ordinances, when uttered, exploded or neglected by dissentient State Societies.

It has assumed the sole power of permitting the badge by which the members of the Society are enjoined to "be known and distinguished," to be appended to their persons in a manner at variance with that ordained by the Institution.—(Min. General Meeting, 1887, p. 23),

The power conferred by the Institution exclusively on the State Societies of appointing honorary members of residents within their respective States, it has not only appropriated to itself, but perverted to a power of appointing not merely honorary members of indiscriminate locality at home, but foreign potentates of notability abroad.—(Proceedings General Meeting, 1890, p. 75.)

The fund provided by the Institution in 1783, "for the further comfort of the unfortunate," if it has writ its annals true, has been suffered to be diverted from its constitutional purpose, and to be appropriated to the expenses, for which in 1860 it confessed itself dependent on the contributions of the State Societies. (Minutes General Meeting, 1860, p. 151.)

On the breath of the State Societies the General Meeting depends. With them it is incorporate. The paramount power of the Institution is jointly theirs. In their unison, the Society endures forever. The accretion of numbers is for the cognate Societies of the day. The Cincinnati describe a narrower round. They are the hereditary expression of the ancestral virtue: the line ordained for its descent. A Society, the coeval of American Independence, purely American, is theirs. In lineal succession, they have received from former generations a charter of the grace and providence of the Fathers. Still other generations are demanding its transmission to them, a Society unabated of dignity, of proportions unshorn, with honorable traditions, and a history without stain.

Fraternally Yours,

July 4, 1895.

JOHN COCHRANE.

## APPENDIX A.

(See pages 44-45-59.)

PARALLEL BETWEEN THE ARTICLES OF CONFEDERATION AND  
THE INSTITUTION OF THE CINCINNATI SOCIETY.ARTICLES OF CONFEDERATION AND  
PERPETUAL UNION BETWEEN  
THE STATES.

July 9, 1778.

"We the undersigned delegates  
"from the States affixed to our  
"names send greeting."

ART. I. "The style of this Con-  
"federation shall be the United  
"States of America.

ART. III. "The said States  
"hereby *severally* enter into a *firm*  
"*league of friendship* with each  
"other."

ART. XIII. \* \* "And the Arti-  
"cles of this Confederation shall  
"be inviolably observed by every  
"State and the *Union shall be per-*  
"*petual.*

THE INSTITUTION OF THE  
CINCINNATI.

May 13, 1783.

"Proposals" for establishing the  
Society of the Cincinnati by Major-  
General Henry Knox, April 15,  
1783.

"The proposals" for "establish-  
"ing a Society upon principles  
"therein mentioned, whose mem-  
"bers shall be the officers of the  
"American Army, having been  
"communicated to the several reg-  
"iments of the respective (State)  
"lines, they appointed an *officer*  
"*from each*, who in conjunction  
"with the General Officers should  
"take the same into consideration.  
"The proposals being read and  
"the amendments agreed to," etc.

"The officers of the American  
Army" (represented by an officer  
from the respective regiments of  
each State line) "denominate them-  
"selves the Society of the Cincin-  
"nati."

"To perpetuate therefore as  
"well the remembrance of this vast  
"event" (the establishment of *free,*  
*independent and sovereign States*)  
"as the *mutual friendships* which  
"have been formed. \* \* \* "The

ART. IV. “*The better to secure*  
 “*and perpetuate mutual friendship*  
 “*and intercourse between the peo-*  
 “*ple of the different States in the*  
 “*Union, the free inhabitants in*  
 “these States \* \* \* \* shall be  
 “entitled to all the privileges and  
 “immunities of free citizens in  
 “the several States; and the peo-  
 “ple of each State shall have free  
 “ingress and regress to and from  
 “any other State.

ART. II. Each State retains its  
 sovereignty, freedom and indepen-  
 dence, and every power, jurisdic-  
 tion and right, which is not by  
 this confederation expressly dele-  
 gated to the United States in  
 Congress assembled.

“American officers do hereby in  
 “the most solemn manner asso-  
 “ciate, constitute and combine  
 “themselves into ONE SOCIETY OF  
 “FRIENDS *to endure as long as they*  
 “*shall endure, or any of their eld-*  
 “*est male posterity and in failure*  
 “*thereof, of the collateral branches,*  
 “*etc.*”

“The General Society will, *for*  
 “*the sake of frequent communica-*  
 “*tion, be divided into State So-*  
 “*cieties and these again into such*  
 “*districts as shall be directed by*  
 “the State Society.”

“The State Societies shall con-  
 “sist of all the members resident  
 “in each State respectively; *and*  
 “*any member removing from one*  
 “*State to another, is to be considered*  
 “*in all respects, as belonging to the*  
 “*Society of the State in which he*  
 “*shall actually reside.*”

“It having pleased the Supreme  
 “Governor of the Universe in the  
 “disposition of human affairs to  
 “cause the separation of the Col-  
 “onies of North America from  
 “the domination of Great Britain,  
 “and after a bloody conflict of  
 “eight years, *to establish them free,*  
 “*independent and sovereign States*  
 “connected by alliances founded  
 “on reciprocal advantages with  
 “some of the greatest princes and  
 “powers of the earth.”

All the officers of the American  
 Army \* \* \* \* have the right of  
 becoming parties to this Institu-  
 tion; providing they subscribe one

ART. IV. \* \* \* If any person guilty of or charged with treason, felony or other high misdemeanor in any State shall flee from justice and be found in any of the United States, he shall upon demand of the Governor or executive power of the State from which he fled, be delivered up, and removed to the State having jurisdiction of the offense.

ART. V. \* \* \* \* No State shall be represented in Congress by less than two, nor by more than seven members. \* \* \* \*

\* \* In determining questions in the United States in Congress assembled each State shall have one vote.

"For the more convenient management of the general interest of the United States delegates shall be annually appointed in such manner as each State shall direct, to meet in Congress on the first Monday in November in every year, with a power reserved to each State to recall its delegates or any of them at any time within the year and to send others in their stead for the remainder of the year."

\* \* \* "Each State shall maintain its own delegates in any meeting of the States, and while they act as members of the committees of the States."

month's pay, and sign their names to the general rules in their respective State Societies.

The State Societies will regulate everything respecting itself and the Societies of the Districts consistent with the general maxims of the Cincinnati; judge of the qualifications of the members who may be proposed, and expel any member who by conduct inconsistent with a gentleman and a man of honor, or by an opposition to the interests of the community in general, or the Society in particular may render himself unworthy to be continued a member.

At each meeting (of the General Meeting and the Societies of the States and Districts) the principles of the Institution will be fully considered and the best measures to promote them adopted.

"The General Society" (to meet) "on the first Monday in May annually so long as they shall deem it necessary, and afterwards at least once in every three years.

"The Societies of the State" (to meet) "on the fourth day of July annually, or oftener if they shall find it expedient."

The meeting of the General Society shall consist of its officers and a representation from each State Society, in number not exceeding five, whose expenses shall be borne by their respective State Societies.

The circular letters which have been written by the respective State Societies to each other and their particular laws, shall be read and *considered*, and all measures *concerted* which may conduce to *the general intendment of the Society*.

Proposals for establishing a Society upon principles therein mentioned.

The following principles shall be immutable and form the basis of the Society of the Cincinnati an incessant attention to preserve inviolate those exalted rights and liberties of human nature for which they have fought and without which the high rank of a rational being is a curse instead of a blessing.

An unalterable determination to promote and cherish between the respective States that Union and National honor so essentially necessary to their happiness and the future dignity of the American empire.

To render permanent the cordial affection subsisting among the officers. This spirit will dictate brotherly kindness in all things and particularly extend to the most substantial acts of beneficence according to the ability of the Society towards those officers and their families who may unfortunately be under the necessity of receiving it.



In order to form funds which may be respectable and assist the unfortunate, each officer shall deliver to the Treasurer of the State Society one month's pay *which shall remain forever to the use of the State Society* ; the interest only of which, if necessary, to be appropriated to the relief of the unfortunate.

## APPENDIX B.

(See pages, 59-60-73-76 )

The Journal from which the following minute of the proceedings of the general meeting of the Cincinnati Society in 1784 is extracted, appears in the Memoirs of the Pennsylvania Historical Society, Vol. VI, p. 71, where it is prefaced with an account of its origin and discovery, by its editor, Winthrop Sargent, among the papers of its author, his progenitor. Governor Winthrop the writer of the Journal, was born in Massachusetts in 1753. A graduate from Harvard, he enlisted in the American Army then besieging Boston, and was appointed 8th Captain Lieutenant of Knox's regiment of Artillery, in which he served through the Revolutionary war, "in the opinion of Washington, who thought highly of his worth," "with great reputation," and where he received his Majority. In 1791 he was Adjutant General at St. Clair's defeat, with the rank of Colonel, and afterwards was made Governor of the Mississippi Territory. He died in 1820. He is represented to have partaken of the great interest felt by his brother officers in the affairs of the Cincinnati; and from his intimacy with Knox, Putnam, Howe, Shaw and others, is supposed to have been cognizant of their designs. He was one of the delegates from Massachusetts to the first general meeting of the Society in May, 1784.

That the proceedings of the meeting did not appear in the Public Press and that the essential parts of the Journal were written in cipher, indicate the reserve or the precaution of its members. Even its official minutes, not till within a few years accessible to the public, are silent in many important particulars. Among them and not the least of importance, is the following letter of the meeting to "The Senior Land and Naval Officers and others members of the Cincinnati in France:"

"From the general meeting held in Philadelphia on the first Monday in May, 1784 To the Senior Land and Naval Officers and others members of the Cincin-

“nati in France. Gentlemen—We, the delegates of the Cincinnati, having judged it expedient to make several material alterations and amendments in our Institution, and having thought it our duty to communicate our reasons upon which we have acted in a circular addressed to the State Societies, do now transmit for your information a transcript of that letter together with a copy of the Institution as revised and corrected. Conscious of having done what prudence and love of country dictated, we are persuaded you will be satisfied with the propriety of our conduct. Our decision was influenced by a conviction that somethings contained in our original system might eventually be productive of consequences which we had not foreseen, as well as by the current of sentiments which appeared to prevail among our fellow citizens. Under these circumstances we deemed it as no proof of magnanimity to persist in anything which might possibly be erroneous, or to counteract the opinion of the community, however founded.”

“Nor were we displeased to find the jealous eye of Patriotism watching over those liberties which had been established by our common exertions; especially as our countrymen appeared fully disposed to do justice to our intentions and to apprehend no evils but such as might happen, in process of time, after we, in whom they placed so much confidence, should have quitted the stage of human action, and we flatter ourselves we felt not less interested in guarding against disastrous consequences in averting present unfortunate political evils than the most zealous of our compatriots. For us then it is enough that our benevolent purposes of relieving the unfortunate should not be frustrated; that our Friendships should be as immutable as they are sincere, and that you have received the token of them with such tender marks of sensibility. For you, gentlemen, let it be sufficient that your merits and service are indelibly impressed upon the hearts of a whole nation and that your names and actions can never be lost in oblivion.”

“Cherishing such sentiments and reciprocating all your affections, we pray you will have the goodness to believe that, though nothing could have increased our friendship, yet by your alacrity in associating with us you have taken the most effectual measures for riveting more strongly those indissoluble ties. We have the honor to be, etc., etc.”

## XII. REPORT TO THE NEW YORK SOCIETY.

At the Annual Meeting of the Society, held at Delmonico's, in the City of New York, on the fourth day of July, eighteen hundred and ninety, the following resolution was adopted, viz. :

“*Resolved*, That a Committee, to consist of Wm. Linn Keese, Talbot Olyphant and John Cochrane, be and is hereby authorized and empowered to inquire what different or additional methods of procedure in the conduct and management of its affairs, would be advisable or expedient in the present condition and relations of the Society, either to serve its interests or enhance its eminence; and to recommend what change, if any, is desirable, together with a plan thereof; and to report the same for the consideration of the Society at a meeting to which the present meeting shall be adjourned.”

The Committee so authorized and empowered, having had such resolution under consideration, do respectfully

### REPORT :

The founders of the Cincinnati Society contemplated its perpetuation. The distinction they had won, they, not unreasonably, desired to transmit to their posterity. History, they were aware, would not refrain the record of their heroic achievements, nor stint the measure of their glory. Yet, something more they intended. Consciousness of merit was to each the source of a not unnatural hope that its memory would survive; that in

the remoteness of time, the name of each would be embraced within the blazon of the Republic, and the glory of each be reflected in the person of his descendant. Not ignorantly therefore, but with intuitive prescience, did the officers of the American army combine themselves into "one Society of Friends, to endure as long as they should endure, or any of their eldest male posterity." The means was not inadequate to the end. Having ordained perpetual succession through an indefeasible entail, the ancestral patriotism takes its course along the lines of remotest consanguinity, and the ancestral dignity is renewed forever in the person of the heir that is worthy.

The annals of the Society are fraught with useful lessons. They disclose the sensitive jealousy of Republics, together with the certainty of its capitulation eventually, to the mollifying influences of time. They teach the power of patriotism and virtue in their contention with prejudice and passion; and assure of the invariable triumph of truth, untrammelled in its struggle with error. A storm of denunciation assailed the infant Society. It was inimical to the State—it was a menace to Liberty. Statesmen and Patriots proclaimed it a monstrous birth. Many cowered—Hamilton paused—Heath timidly withdrew; and even Washington counselled the prudence of retreat. Though staggered and disconcerted, the Society sustained the shock, and survived it. Its action was variable and its meetings desultory. At but one, did Washington preside. A triennial quorum became impracticable. Diverse counsels induced a torpor, that pervaded and benumbed the general organization. Its principles, however were studiously maintained within the States, where its interests were diligently cherished. To their resolute and unalterable adherence to the Institution promulgated on the banks of the Hudson, are we to attribute its ultimate permanence. Recurrent vicissitudes, however, compelled resort to the expedients of self-preservation. In some of the States the organization expired,

in others it became obsolete; while in all, various departures from its fundamental law were suffered, to prevent absolute extinction. Various were the methods proposed and the schemes devised to avert that imminent evil; and many were they both original and hereditary members, whose best energies were bent to the task. Of these, time has spared but meagre vestiges of the first; but, of the last, there yet survives one whose efforts in behalf of the Society have ministered conspicuously to its stability, and diffused more widely its renown—our venerable and revered President, HAMILTON FISH.

It is difficult to overestimate the value of these labors. To be sure, they invaded the letter and impugned the spirit of the law. But the existence of the Society was at stake; and it was better that the law should sleep for a day, than that the Society should perish. Nor, in the enjoyment of the vigor thus acquired, should its instruments be rejected. Though, by the license of necessity, admitted to membership, that very necessity is the warrant of their eligibility; and though the urgency that created them has passed, its effect is respected in their unchallenged title to membership for life.

But another day gilds the fortunes of the Republic, and another day has arisen on the fortunes of the Cincinnati. An age of reason has dispersed the fumes of infancy, and the experience of a century exploded the jealousy that lowered upon the "INSTITUTION." Its supporters are recognized among the notables of the land. Its members are numbered with jurists and statesmen. Its annals reach back to the events of the Revolution, for whose remembrance they strenuously plead.

In this, our age of abounding wealth, with its accessories of voluptuousness, luxury and profusion—in this our stage of national life, with its irrepressible energies, its explosive impulses, its aspirations and ambitions—in this the circuit of our social life, sumptuous, sponta-

neous and extemporary, antecedents are something to the parvenu; to the minion of pleasure, a pedigree something; and something to the sedate citizen, a lineage luminous with honorable deeds. Accordingly, in all its stations, the popular life is busied with antiquarian researches—with genealogical explorations; and the ingenuity of Heraldry is invoked to connect the man of to-day with the man of yesterday. The Revolutionary sire is an imposing efficient in this wild quest for ancestors; and the drummer boy of "Seventy-Six," is the prolific stock of a respectable and aspiring offspring. In this animated scene the Cincinnati Society stands conspicuously forth, the authentic arbiter of genealogical lines. Its foundations were laid in the blood whose source is the fountain of a perpetual honor. Its structure is strengthened by its hereditary partakers; while its records register the names, entitled by consanguinity, to the prerogative of ancestral renown. Such is the attitude of the Society of the Cincinnati among the multifarious organizations of the day. Rooted in the years of the Revolution, it emerged from the desolation of war, and arose with the rise of the country. It quailed at the breath of popular prejudice, but with its subsidence recovered. A century of honorable life is its lasting panegyric. To the public it is an enduring memento of the past, and to its members an escutcheon forever.

But the new obligations implied by the renaissance of the Society, are complicated with new duties incurred. In the opinion of your Committee, it admits of no doubt that its interior management should correspond with its external relations, and that its modes of procedure should be accommodated to its changed conditions. Its earlier career does not appear to have been subjected to rigorous rules. Martial habits do not readily conform to the intricacies and restraints of parliamentary law, and a ceremonious approach to what is within reach of customary methods, is usually felt to be irksome and useless. Stringent instructions to regulate

their action, obviously were not a necessity in an assembly of officers, met in a friendly way, to review the scenes, and rehearse the memories of their fields. The meetings of the Society were few. Nor was their frequency required, either to impress the public, or to deepen the impression. Its members constituted, mainly, the ingredients of social life. From themselves emerged the government they administered, and the laws they obeyed. The world of their day lay within their compass. The force that shaped it was theirs. Of little use, therefore, either to remind or impress, could have been the meetings of a Society whose members were numbered the community in which they lived. Of as little consideration could have been its official distinctions. It is scarcely to be thought that the offices of an organization as illustrious as theirs, could have stirred the ambition of the officers of the "Patriot Army." A dignified and an august body were the founders of the Cincinnati. Their culminated fame they had grouped beneath the shelter of a Society consecrated to friendship, and they appointed it their memorial to latest generations. -

All now how changed—the thousands of the fathers to the millions of their children—the colonial area to an imperial domain—a loose confederacy to a compacted government; and the pulse of a public life, then feeble and inarticulate, now beating with a giant's throb. The bustle of business, professional concussion, the debates of Senates, mingle with the tumult of the surging throng, and pour through all our gates a wild and deafening din. Competition provokes, strife distracts; everything useful is the product of anything strong, and nothing weak survives the fierce combustion of metropolitan life. To this change is exposed the Society of the Cincinnati. Though the inherent glory of the founders is but derivative in their successors, yet the Society is dependent on the support of its members, whose zeal, however fervid, can be effective only when regulated by rule. An honorable



emulation has superseded indifference to official distinction. If to encourage it were injurious, to suppress it is wrong; for dissension will not fail to distract, where official selection is not fairly submitted to the general option. In the opinion of your Committee more frequent meetings are desirable. Facilities of intercourse are incitements to effort which, if adjusted by systematic counsels, will be symmetrical and capable. Nor should its promulgation be overlooked. In this age of rapid progress, the event unnoticed by the Press, fails to influence the public, and passes, prematurely, into the shadow of oblivion.

The functions of this organization embrace the State of New York. Within its confines its orders are paramount. Such is its prescriptive, and such its chartered right. Cosmopolitan tendencies, however, have domiciled in our city numerous irrelevant organizations. Denizens from other States, domesticated within its limits, invoke a foreign name, and enjoy an alien prestige. Even sectional pride, established here, uses our heavens for its thunder. Perhaps these irruptions should admonish the New York State Society of the Cincinnati, of a possible confusion of its local jurisdiction with the pervasive powers of the General Meeting. To each has the Institution appointed its separate sphere; and though occasionally blended, yet oftener distinct, each in its department is exclusive and supreme. It should, therefore, be the care of this State Society to oppose to any disintegrating influence, a timely corrective.





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